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SEPTEMBER/OCTOBER 1993
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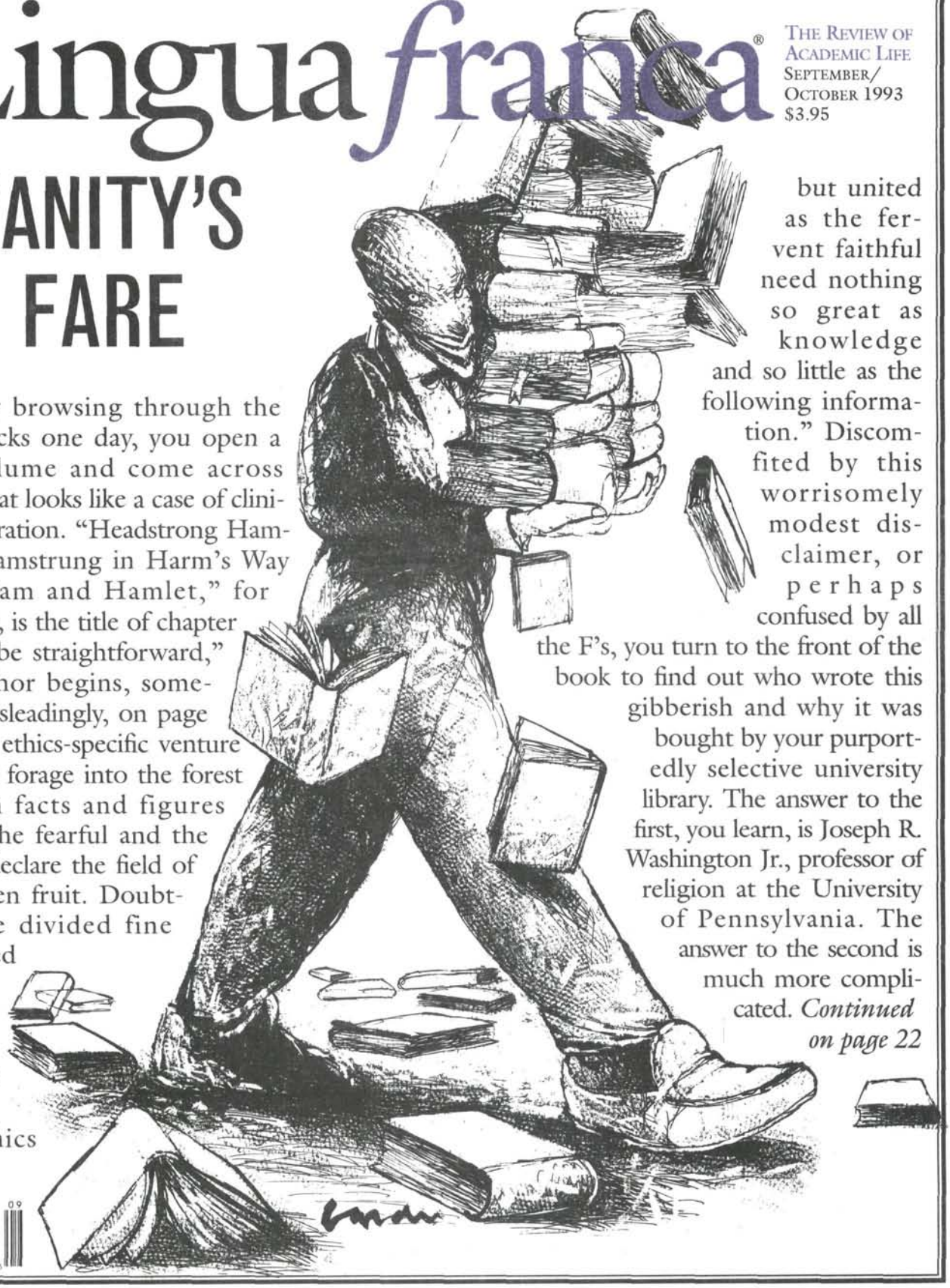
VANITY'S FARE



Idly browsing through the stacks one day, you open a volume and come across what looks like a case of clinical alliteration. "Headstrong Hammon Hamstrung in Harm's Way Like Ham and Hamlet," for example, is the title of chapter 6. "To be straightforward," the author begins, somewhat misleadingly, on page 2, "this ethics-specific venture entails a forage into the forest of faith facts and figures which the fearful and the fateful declare the field of forbidden fruit. Doubtless the divided fine feathered friends and foes in matters of faith and ethics but united as the fervent faithful need nothing so great as knowledge and so little as the following information." Discomfited by this worrisomely modest disclaimer, or perhaps confused by all the F's, you turn to the front of the book to find out who wrote this gibberish and why it was bought by your purportedly selective university library. The answer to the first, you learn, is Joseph R. Washington Jr., professor of religion at the University of Pennsylvania. The answer to the second is much more complicated. *Continued on page 22*

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Lingua Franca (ISSN 1051-3310) is published bimonthly (six issues a year) by Lingua Franca, Inc. © 1993 in the USA by **Lingua Franca, Inc., 172 E. Boston Post Rd., Mamaroneck, NY 10543;** (914) 698-9427; Fax: 698-9488. All rights reserved.
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BACK ISSUES: $6 U.S.; $7 Can./Mex.; $8 other foreign. All orders prepaid.
Second-class postage at Mamaroneck, N.Y., and at additional mailing offices.
POSTMASTER: Send address changes to *Lingua Franca*, Subscription Dept., P.O. Box 3000, Denville, NJ 07834.

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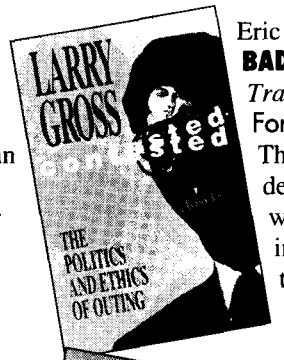

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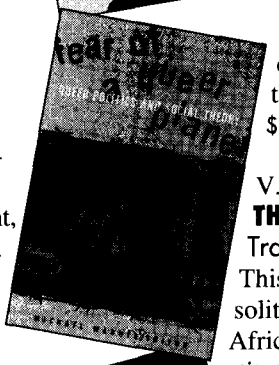

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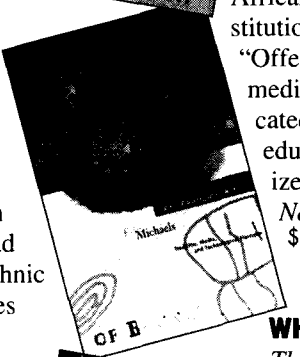

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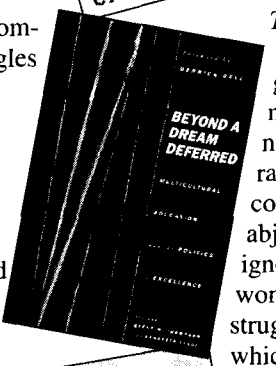

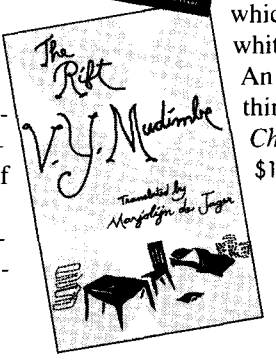

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Letters to the *Editor*

COSTING THEM OUT

Since I am responsible for a Virginia General Assembly–mandated study of graduate education, I read with some interest Elizabeth Hunt's article on time-to-degree, "Git 'Em Up, Move 'Em Out" [July/August]. But I was perplexed by her failure to consider the issue of cost.

Higher education nationwide is in trouble. In 1992, for the first time since World War II, state appropriations for higher education decreased. Higher education is one of a number of goods competing for money and must itself choose among competing goods. Graduate students are funded more richly than undergraduates; for every extra year a student spends in graduate school, the state could put two or three students through a community college—or, for that matter, purchase health care for an uninsured person.

These pressures will only get worse. Many states anticipate significant enrollment pressures by the end of the decade. In Virginia, institutions of higher education will have to find room for 68,000 additional students at a time when, because of decreased revenues and the skyrocketing need for other social services, there will be little or no new money coming into the system.

Speedy degree completion should not be purchased at the price of quality, to be sure—it is no advantage to the state to pay for a shoddy product. But it is in the public interest as well as that of students that they not stall in graduate school.

Margaret A. Miller, *Associate Director for Academic Affairs, Commonwealth of Virginia Council of Higher Education*

LEDERING THE WITNESSES

I got a strange impression from the discussion among the prisoners and philosopher Drew Leder in "Live From the Panopticon" [July/August]. As soon as inmates Donald, Charlie, H.B., and John started talking about how the penitentiary's surveillance system had good effects—forcing them to find privacy through study and give up drugs to avoid worry about the "piss tests"—Leder found it necessary to correct them: "There are certain values, like getting off drugs or not behaving violently, that you can internalize in a positive sense as part of your own self-discipline. But there are other values that I'm hearing are negative because they are turning humans into something machinelike."

What I'm hearing is a person who voluntarily devotes time to enriching the lives of people struggling to gain control of themselves, who's feeling threatened by their refusal to accept Foucault's glib anarchism. I suspect that if he were in prison, he too might appreciate effective surveillance to protect him from others as well as himself.

Steven Marx, *Professor of English, California Polytechnic State University*

HIGHER LERNER

The tone of Margaret Talbot's "The Lerner Curve" in Inside Publishing [July/August]—which offered no substantive remarks on Lerner, his journal, or his ideas—was irritating to those of us who do read *Tikkun* and find much of it refreshing.

I would be eager to read some rigorous critique of Lerner and the "politics of meaning" in *Lingua Franca* or to see some commentary on the seemingly unlikely rapport struck between an editor of a Jewish intellectual publication and a non-Jewish politician of the same generation. There's grist for commentary of all kinds in this story. However, since Talbot conveys unabashed uninterest in reading *Tikkun*—recounting instead her impressions from newspaper profiles and late-night TV—her condescending tone does not play well. It might work more effectively if she turned the same attitude toward those who scoff at the innovative journals of their time without having read them.

Continued on page 64

THE BASIC ISSUE:

The Puzzle of Genius.

The man who revolutionized the way we look at intelligence now examines the mystery of creativity. Howard Gardner profiles seven extraordinary individuals who each reinvented an area of human endeavor. Beyond shedding light on the nature of their discrete achievements, *Creating Minds* elucidates the "modern era"—the times that formed them and that they in turn helped to define.

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HOWARD GARDNER

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Field *Notes*

PUTTING THE CAMP BACK INTO CAMPUS

AROUND THE TIME THE word "theory" started appearing in undergraduate circles without disciplinary modifiers and Andrew Ross started shopping at Comme des Garçons, it became inevitable that someone would take the glamorization of the humanities to its logical extreme. Someone would publish a fanzine. *Judy!*, a love letter to Berkeley philosopher and gender theorist Judith Butler and secondary divas Gayatri Spivak ("hot"), Monique Wittig ("fabulous"), and Julia Kristeva ("the Garbo of theory stars"), may or may not be the first—fanzines generally fly too low to be picked up by media radar sweeps—but it's surely the most sex-positive. The zine is a seventeen-page, photocopied newsletter written by a University of Iowa undergraduate who calls herself Miss Spentyouth. The cover of the premiere issue is a photo of diva-of-gay-males'-divas Judy Garland. "It's really hard to find pictures of Judith Butler, so here is another Judy," explains Spentyouth on page 1.

Judy! caters to a range of Butler-fan tastes, from the cute and campy to the pornographic (a naked-chick-with-dick ad for 970-JUDY, for example). "I dreamed that Kitty MacKinnon and Andrea Dworkin were in a mudwrestling match wearing small shiny bikinis and Judy was the ref," writes Spentyouth on page 3, in one of the many fantasy haikus to be found in the issue. "In my dream Judy looked red-hot despite the tacky Foot Locker outfit." The fanzine's centerpiece is a gay academic gossip column, Secrets of the Stars, which is best explained by quoting at length the item on last winter's MLA conference:

"The New York Hilton was SIZZLING this December as the famous theorists swarmed the lobby and the cash bars. The homo cash bar was a **star-fuckers** delight. **Eve Sedgwick** worked the crowd.

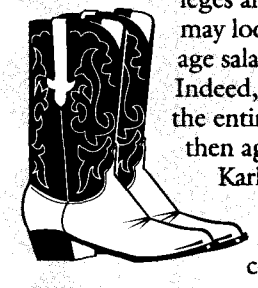
Kevin Kopelson breezed in and out, looking very *Details* in a polka-dotted tie. The incomparably beautiful **Geeta Patel** oozed glamour in a full-length fur. **Judy** and **Diana Fuss** did a modest rock-star number in a corner. Were they reminiscing about Thanksgiving dinner at Judy's? Rumor has it that Judy and eleven of her closest girlfriends had **safe hot times** fisting the turkey with latex gloves. . . . These are the ladies who put the lay back in the MLA!"

Miss Spentyouth talked to *Lingua Franca* by phone from her bed at about eleven in the morning, Iowa time, wearing nothing, so she claimed, but Chanel No. 5. "Is this shameless self-promotion?" she wondered aloud, drag-queenishly.

WAYNE'S WORLD

IT WAS A TOUCHING ITEM IN *THE NEW YORK TIMES*'S CHRONICLE column—just the sort of thing to make humanities professors worry about not treating their doctoral students well enough. The story reported that Dr. O. Wayne Isom, a Cornell professor and chairman of cardiothoracic surgery at New York Hospital in Manhattan, gave a dinner with a colleague for three students who had just completed their postgraduate fellowships. Dr. Isom talked movingly of how much time he had spent with the students and how their completion was "like sending your kids off to college, [but] we are sending them out, hopefully to save lives." No wonder the good doctor was willing to pick up the tab for a pricey dinner at Le Cirque and throw in his own special parting gift to each student—a pair of custom-made Lucchese cowboy boots—as a reminder of his Texas roots and pronounced Texas accent.

As we wiped away the tears in our eyes, we remembered that Dr. Isom's name had a familiar ring. We had heard it back in May when, with an annual salary of $1,736,009, he topped *The Chronicle of Higher Education*'s list of highest-paid faculty and staff at 190 private colleges and universities. His additional $43,721 in benefits may look like small change, but it's more than the average salary for assistant professors across the country. Indeed, Dr. Isom's paycheck could comfortably cover the entire faculty payroll at some small colleges. But, then again, Dr. Isom is a full professor. His colleague, Karl Krieger, who is still mired in the associate ranks, only pulls down about $1.3 million. Perhaps if he had a pair of those sturdy Lucchese boots, he could pull himself up. —*R. J. Lambrose*



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"Should I be doing this? Or should I be more resistant? What do you think?" Spentyouth, who describes herself as "somewhere in between a junior and a senior—no one really knows," fell in love with Butler after hearing her lecture at Columbia in 1991. Since then she has been trying to get Butler to notice her and set her up in an apartment as a kept woman. She followed Butler out of the Hilton at the MLA conference last year but lost her in traffic. Out of the depression that disappointment engendered, *Judy!* was born. "The official line is that [the newsletter is] a critique of queer obsession with, and consumption of, celebrity," Spentyouth said. "The whole diva thing, extending to queer theory these days, with Eve Sedgwick and all these glamorous, incredibly famous women. It's really a critique of the whole theory circus—I don't know, don't say that. You have to make me seem incredibly clever."

It isn't only randy undergraduates who think Judy is hot right now. Butler was just wooed from the Johns Hopkins University Humanities Center by the floundering rhetoric department at Berkeley, which she has consented to sample with the understanding that she may return to Hopkins if she doesn't like it there. Butler's fame derives mostly from her two books: *Subjects of Desire*, which probes the problem of desire in French post-Hegelian philosophy, and *Gender Trouble*, a frontal attack on heterosexual hegemony. She's a philosopher with fingers in most of the tenure-friendly academic pies, including psychoanalysis, feminism, gay studies, and, for good measure, postcolonial theory. "Incredibly impressive, glamorous, charismatic," sighed Spentyouth, in search of an adjective. "She's an academic superstar."

"These are the ladies who put the lay back in the MLA!"

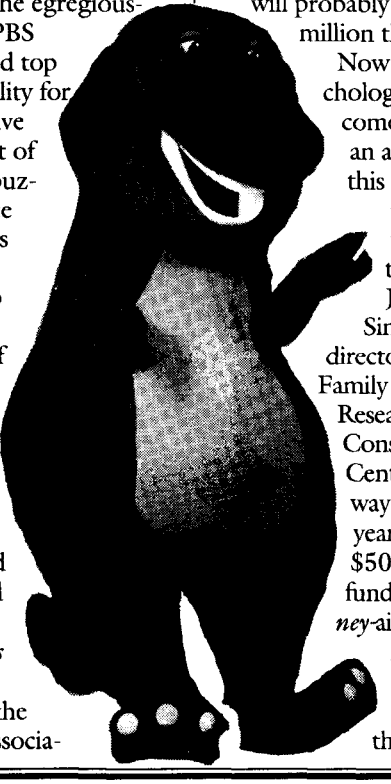
The first issue of *Judy!* has been distributed haphazardly via a network of Spentyouth's friends in New York, Chicago, and California. At least one copy was touring the lesbian-gay circuit at Johns Hopkins—news to Spentyouth, who says she has no clue how many people have seen the magazine. Butler thinks the zine was a one-off, but Spentyouth already has plans for *Judy!* number 2, including an exposé of a conversation she had with Butler about *Judy!* number 1. "I'm having a little bit of that postpartum depression thing, and also I've been very busy with school," Spentyouth offered by way of explanation for the next issue's tardiness.

If Butler herself is secretly pleased by the adulation, she won't admit it. "I wish it hadn't happened," she said from her new California home during a telephone interview. "It draws attention away from my work and puts it on my person, and I would much rather have people pay attention to my work. I think it's unfortunate that this sort of culture emerges, because people just stop thinking carefully about things and take academia to be a kind of star culture or something." Asked why she thought she of all theorists had been chosen for divahood, Butler had an answer ready. "Because I'm not very personally revealing," she explained. "I believe that there are intellectually substantive issues that can be discussed without stating my most intimate or personal relationship to them."

"She's so mega," Spentyouth gushed in answer to the same question. "I mean, that's it—it's a celebrity thing, don't you think?" Spentyouth yawned. "I don't know. It's too early in the morning to talk about theory, but it's never too early to talk about theory stars."

—Larissa MacFarquhar

BARNEY ENVY



THE SUDDEN POPULARITY of Barney, the egregiously amiable PBS dinosaur and top TV personality for the under-five set, has a lot of grownups puzzled. Science writer James Gorman summed up our collective sense of cognitive dissonance in *The New York Times* when he pronounced the year-old *Barney and Friends* "the dream show" of "the National Association for the Promotion of Blandness," while noting that sales of Barney spinoffs will probably reach $200 million this year.

Now a Yale psychologist has come up with an analysis of this latest manifestation of the generation gap. Jerome L. Singer, co-director of Yale's Family Television Research and Consultation Center, is midway through a year-long, $50,000 study, funded by *Barney*-airing Connecticut Public Television, that's meant

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Field *Notes*

to measure the show's impact on its impressionable young audience. Singer and seven research assistants have spent the first six months watching videotapes of the thirty extant *Barney* episodes ("We love Barney," says one dazed researcher) and scoring them in five areas: encouragement of cognitive skills; imaginativeness; "pro-social behavior"; physical movement; and musicality.

The findings are likely to depress Barney-hating parents. Apparently, the six-foot purple dinosaur scores high in all five categories. "The show has more of a fantasy element than *Mr. Rogers* and is more benign than *Sesame Street*," says Singer. "In *Sesame Street*, there's no central figure pouring out love and acceptance. There's Big Bird, but he doesn't really reach out to the kids in a nice, warm way as consistently as Barney." Singer's favorite episode so far: "Rainbow Beard," an updating of the legend of the pirate Blackbeard for the P.C. era.

As for Barney's critics, Singer dismisses them as an affection-starved, envy-ridden lot. "A lot of adults live hard lives," he explains. "They can't stand the fact that their kids are having a goody-goody, nice experience and loving it." And today's two-career parents, too harried to provide unconditional sweetness, apparently resent the fact that a yam-shaped reptile can. "They can't take the time to be as nice as Barney," says Singer, "so they're taking it out on Barney."

—*Sue Young Wilson*

LITTLE GHOST ON THE PRAIRIE

AS MANY OF OUR READERS are aware, the early brouhaha over the truth and origins of Alex Haley's *Roots* has been revived in the wake of Philip Nobile's long article in *The Village Voice* last February. Among the many charges given new life was the accusation that ghostwriters had extensively rewritten Haley's drafts—line by line, in fact.

The din of this debate was so loud, we suspect, that many readers missed a similar set of charges aimed at what might appropriately be called the white *Roots*, namely, the nine *Little House* books, the saga of a pioneering family that Laura Ingalls Wilder began publishing in 1932, when she was sixty-five. (The books were made into a

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successful television series some forty years later). Now comes the charge from William Holtz, professor of English at the University of Missouri, that eight of the books were essentially ghostwritten by Wilder's daughter, Rose Wilder Lane, a journalist and novelist in her own right. (After a bohemian youth, Lane became active in rightwing, antigovernment circles. She once described Social Security as a system "instituted by Bismarck and expanded by Hitler.")

Not surprisingly, Wilder's fans and family have not reacted warmly to Holtz's scholarly biography of Lane, which was published by the University of Missouri Press in the spring of 1992. Roger MacBride, Lane's adoptive grandson, advised the director of the Wilder Museum in Walnut Grove, Minnesota, that a "professor at the University of Missouri has put out a book with the sensationalist title of *Ghost in the Little House*. . . . [I]n my opinion the book can only serve to disappoint children who read the *Little House* volumes. I certainly would recommend that you give serious consideration to not handling the book."

Wilder's daughter described Social Security as "instituted by Bismarck and expanded by Hitler."

Meanwhile, we've recently been treated to a television docudrama in which Melissa Gilbert (TV's Laura Ingalls Wilder and an adopted child) searches for her real parents. The family romance just isn't what it used to be. —*R. J. Lambrose*

SWEATSHOP U.?

WHAT WITH SO MUCH sensitivity abroad in administration buildings these days, it's almost refreshing to hear of one university willing to come out and act like an old-fashioned evil corporation. Northwestern, upon learning earlier this year that one of its professors had been accused of forcing a visiting Chinese scholar into indentured servitude, responded with lofty indifference. "Interaction between visiting scholars and members of the faculty is largely a decentralized function," sniffed its Office of University Rela-

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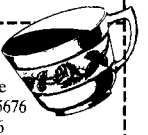

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Field *Notes*

tions in a written statement.

Northwestern has since been slapped with a lawsuit, so its attitudinizing is now moot. What will be at issue, as the court case proceeds, is how much the university knew about this decentralized interaction-cum-bondage, and why it never did anything about it.

The tale of the indentured scholar began in the spring of 1990, when Lang Y. Xia, a male lab supervisor at Northwestern, wrote to Zeng Li Yang, a female neurophysiological technician in Beijing, and invited her to spend three years in his lab researching synthetic opiates. Xia, 54, had been Yang's teacher at the Beijing College of Traditional Chinese Medicine until he moved to Chicago to work with Northwestern psychology professor J. Peter Rosenfeld. Yang, 40, accepted the offer, and Rosenfeld confirmed the deal in writing. Xia sent Yang $720 for a one-way ticket to Chicago, and she started work that September.

Yang—who speaks no English—says she was promised $12,000 a year for her services, and that is the salary stipulated in both the statement filed by Northwestern for her visa and the letter Rosenfeld sent her in China. Xia says Yang agreed to work for nothing in exchange for her passage, and nothing is what she was paid. She ended up chopping vegetables in a campus cafeteria for less than $5 an hour while working fifty to sixty hours a week on a seven-day schedule at the lab. Yang's husband joined her in August 1991 and took a job in a local Chinese restaurant.

In August 1992, when Yang had been working without pay for almost two years, her husband went to Xia's apartment to complain. Xia, who was earning only $25,000 a year himself, said there was nothing he could do about the situation. The next day in the lab Xia and Yang got into an argument, after which Yang was taken to a hospital with a bloody mouth.

In court a month later Xia pleaded guilty to one count of misdemeanor battery; the judge sentenced him to one year of court supervision and a $100 fine, with the additional condition that he avoid contact with Yang during the term of supervision. Not wanting to lose Xia, Rosenfeld fired Yang and advised her of his duty to inform the Immigration and Naturalization Service of her change in status.

The story wasn't reported until the following February, when Yang's lawyer alerted the local media. Northwestern's student newspaper ran front-page stories on the case for weeks. "It appears that there's enough blame to go

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around for everybody," university president Arnold Weber told a student reporter soothingly. Unconvinced students adopted Yang's case as a cause célèbre, protesting outside Rosenfeld's laboratory until Yang, worried they would give the school's Asian students a bad name, asked them to stop.

Northwestern's Office of University Relations issued its first official statement ten days after the story broke on campus. Making it clear the university did not believe it had a duty to arbitrate the case, the statement claimed Yang and her husband had signed a letter before Yang left China in which she agreed to work without compensation. Northwestern declined—and is still declining at this writing—to produce a copy of the letter, or to explain the discrepancy between this agreement and Rosenfeld's signed offer of $12,000 a year, to say nothing of her visa documents, signed by the director of the university's International Office, which proffer the same remuneration.

Northwestern offered to resolve the dispute by paying Yang $32,000 for the thirty-two-month period she had already worked. Some weeks later Xia was quietly fired. The university took no action against Rosenfeld.

The offhand way Northwestern treated Yang's complaint may have something to do with the relative untrendiness of the crime. It's difficult to imagine such nonchalance in a case of, say, sexual harassment.

But whatever the official reaction, exploitation of Asian students has reportedly become common on American campuses, according to Lee Maglaya, head of the civil rights, race relations, and advocacy program for Chicago's Asian Human Services agency. And Yang probably had to endure a subtle form of muzzling. "As a woman in Asian society, you don't have a voice—politically, socially, or economically," says Lisa Park, a Northwestern student who led the protests on Yang's behalf. On the other hand, says Park, "Yang knew that if she were fired from this job, she would be sent back home and she would lose face."

Now, however, the loss of face is all Northwestern's. Yang refused the $32,000 offer and filed a civil suit against Xia and the university, alleging breach of contract, retaliatory discharge, intentional infliction of emotional distress, and battery. Some weeks later, Yang, having hired a new lawyer, included Rosenfeld in an amended complaint.

Rosenfeld and Xia, too, are suffering diminished prestige, and feeling quite bitter about it. "All I'll say is that my version of events is quite a bit different from what's been printed," says Rosenfeld, who claims he's received death threats since the story was reported in the press. "I'm not a bad man—I'm a kind man," says Xia, who may or may not be filing a wrongful-termination suit. "I don't know about American law. I was just helping a friend." —*Eric Zorn*

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BREAKTHROUGH BOOKS CLASSICS

We asked four classicists to tell us about the most interesting books published in their field in the past few years. Here are their responses.

Charles Segal, professor of Greek and Latin at Harvard University; author of the forthcoming *Euripides and the Poetics of Sorrow.*

Segal praises ***Sorrows of the Ancient Roman: The Gladiator and the Monster*** (Princeton University Press, 1992) by **Carlin A. Barton**, as a "lively, epigrammatic" look at how the gladiator, because of his constant nearness to violent death, became a symbol to the Romans of "monstrous excess, of the unlimited desire for sex, food, drink, and brutality."

Pornography and Representation in Greece and Rome (Oxford University Press, 1992), a collection of essays by **Amy Richlin**, Segal says, provides an historical context for the literature of the period that "shows the seamier sides of the classical world. A chapter called 'Reading Ovid's Rapes,' for instance, looks at the *Metamorphoses*'s version of the rape of Philomela and the cutting out of her tongue, and points up Ovid's evident pleasure in the contemplation of violence done to a female body."

Suzanne Said, chair of the classics department at Columbia University; author of the forthcoming *Introduction to Greek Mythology.*

According to Said, **Bernard Williams**'s ***Shame and Necessity*** (University of California Press, 1993), offers a new take on the idea that Greek morality was based on shame or public mores, whereas ours is based on guilt. "Williams argues that that approach looks too much at the vocabulary of the texts and not enough at the bigger cultural picture," she says. "He concludes that perhaps the Greeks were not so different from us after all."

She also recommends ***Perceptions of the Greeks*** (Blackwell, 1992), edited by **Kenneth Dover**, a collection of essays about how different cultures—ancient Romans, Muslims, Jews, Germans of the second half of the nineteenth century—perceived the Greeks. "Seventeenth-century French liberals, for instance," Said says, "had a very strange way of translating Greek texts, one that reflected their own preference for an ornate, flowery style. It was that version of the Greeks that so influenced Racine."

Gregory Nagy, professor of classical Greek literature and comparative literature at Harvard University; author of *Pindar's Homer: The Lyric Possession of an Epic Past* and *Greek Mythology and Poetics* (both 1990).

Nagy has recently been drawn to histories of the Athenian democracy, including **Nicole Loraux**'s ***The Invention of Athens*** (Harvard University Press, 1986), on the role of the funeral oration in Athenian politics. "The most famous example, of course," says Nagy, "is Pericles's oration as it appears in Thucydides, but Loraux also looks at the oration parody—supposedly a speech by Pericles's mistress Aspasia—in Plato's *Menexenus.* Plato makes Aspasia hold forth on the Athenian concept of autochthony, or the mythical descent of all citizens from the single uterus of the Earth Mother, which became entwined with the notion of democracy."

Mogens H. Hansen's ***The Athenian Democracy in the Age of Demosthenes: Structures, Principles, Ideology*** (Blackwell, 1991), is notable for analyzing the Athenian political system of the troubled fourth century B.C. rather than that of the fifth century B.C.'s golden age. Nagy calls Hansen "a meticulous historian who draws on the later period's much more abundant records to fine-tune our picture of early democracy."

Daniel L. Selden, professor of literature at the University of California at Santa Cruz; co-editor, with Ralph J. Hexter, of *Innovations of Antiquity* (1992).

Selden recommends two books, each with a Foucauldian take on classical sexuality, in the same series in which his own book appears, Routledge's *The New Ancient World.* **David M. Halperin**'s ***One Hundred Years of Homosexuality and Other Essays on Greek Love*** (1990) examines sexual identity and power in the ancient Greek world. "Greek city-states were hierarchical, with male citizens at the top, then female citizens, then resident aliens, then slaves at the bottom—and your sexual role was supposed to conform to your station," says Selden. "Citizens who engaged in prostitution, and thus took on a submissive sexual role, forfeited their citizenship."

In ***The Constraints of Desire: The Anthropology of Sex and Gender in Ancient Greece*** (1990), **John J. Winkler** reconstructs a picture of female sexuality from surviving texts, almost all of which were written by men. "For instance, he looks at a play by Aristophanes called *Women of Thesmophoria,* which features men dressing up in drag to spy on a yearly, women-only festival in honor of the goddess Demeter," says Selden. "Winkler argues that the historical women's festivals may have represented a counter-expression to male hegemony through ritual jokes and obscenity and a kind of parody of dominant sexuality."

—Sue Young Wilson

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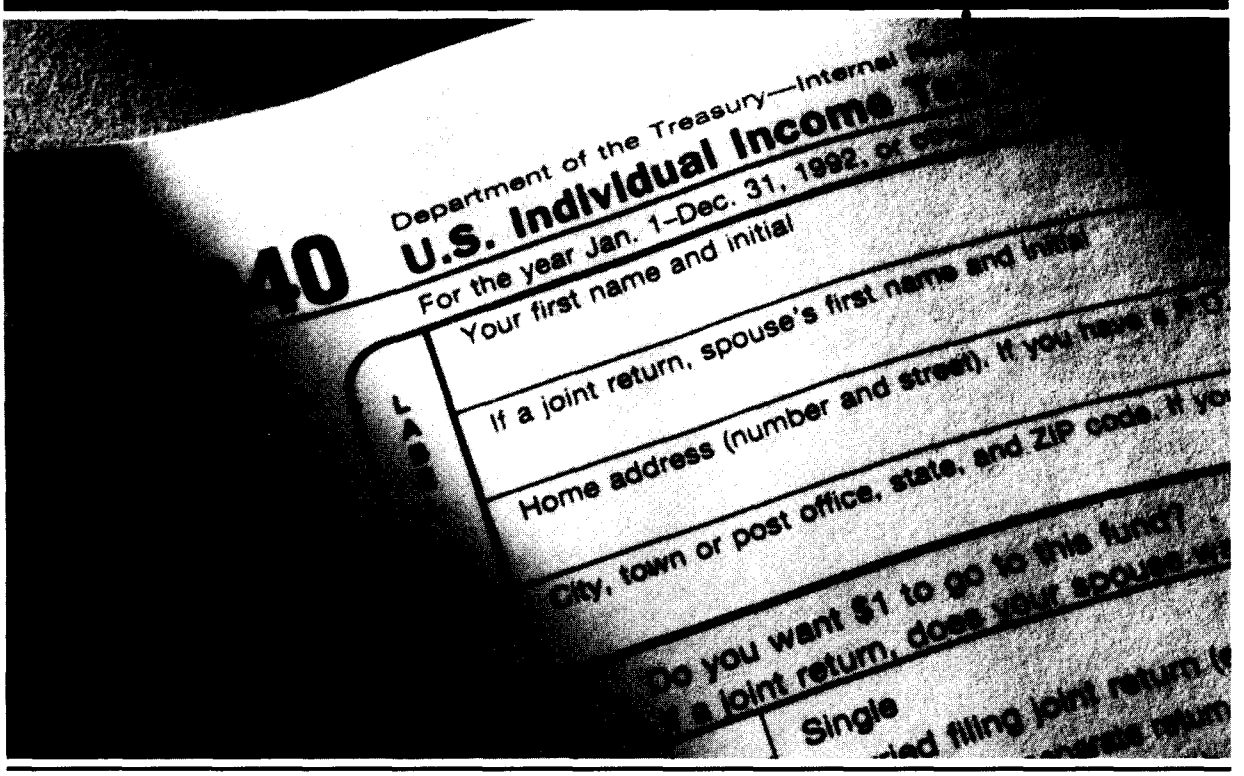
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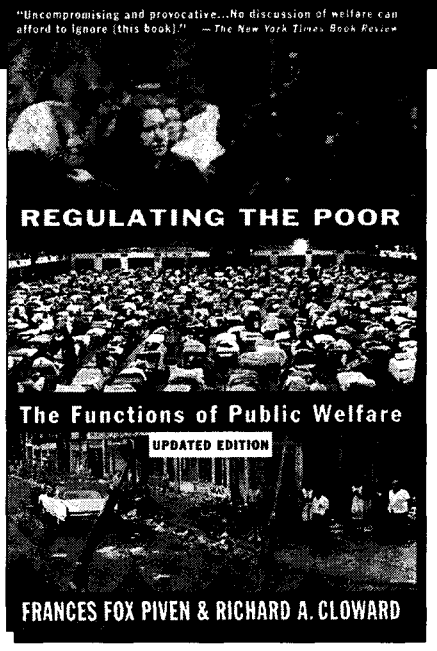
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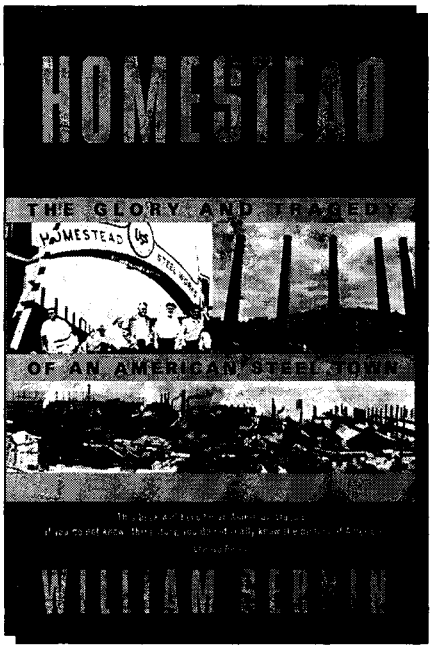

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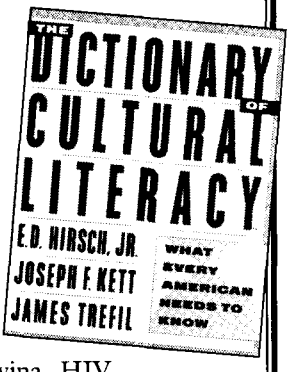
Inside *Publishing*

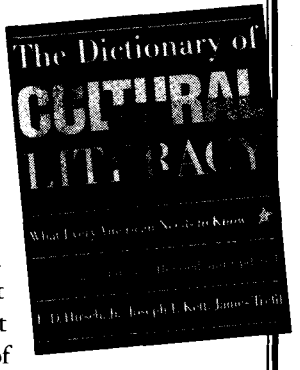
CULTURE CLUB



Get out your cultural magnifying glass. You'll need it to find the changes in the second edition of *The Dictionary of Cultural Literacy: What Every American Needs to Know*, by E.D. Hirsch Jr., Joseph F. Kett, and James Trefil (Houghton Mifflin, $24.95). Since 1988, when the first edition offered American public discourse a pair of canonical handcuffs for only $21.95, there have been "epochal transformations in world history . . . enormous advances in science and technology, and [a] growing consensus over multiculturalism" to take into account.

The Harlem Renaissance puts in an appearance. So do Elizabeth Cady Stanton, the vulva, and the ERA.

Those extra three dollars buy you Bosnia and Herzegovina, HIV, PMS, Shi'ite and Sunni Moslems, even Zeno's Paradox. There's good news for African-Americans and women (though not most other minority groups): The Harlem Renaissance makes an appearance, along with Benjamin Banneker, Toni Morrison, and Nelson Mandela. So do Elizabeth Cady Stanton, the vulva, and the ERA. Crispus Attucks metamorphoses from a "mulatto sailer" [sic] to a "black sailor" (though elsewhere "black" is emended to "African-American"). The article on the women's movement no longer calls it "women's lib." For the first time, Sappho is described as a lesbian.



"Ethnocentrism" and "elite" are gone—as entries, anyway. Wishful thinking? Though the writers have updated every chapter, concentrating on the science, geography, and politics sections, *plus ça change, plus c'est la même chose.* After conducting "a careful examination of the changes required in this dictionary over the past five years," Hirsch et al conclude that "over ninety percent of what one needs to know has remained stable." Um, guys. Ever heard of circular reasoning? Apparently not, since it doesn't appear in the idioms section.

But "beg the question" does—along with "hoist with one's own petard."

IDENTITY PAPERS

All right, tell the truth. The last time you photocopied a colleague's paper, did you send her a reprint fee? Bet you didn't. Your heart may have been in the right place, but the copyright bureaucracy wasn't. Keeping track of who's owed what is just too hard to bother with. Well, the people at Xerox think they have a solution. It's smart paper—part technology, part law enforcement, and due to hit your library and copy shop sometime in the next few years.

Paper, as we now know and love it, is inert. When data is stored electronically, the same set of characters can be manipulated into a piece of text or a command telling a machine to hop to, but once the characters get printed on paper, they just sit there. Dumb paper can't talk back. Xerox wants to change all that—to "close the loop," says Xerox's Felicity Waltman, between silicon and ink. To do this, they've come up with several related technologies. They promise image enhancement for cleaner documents and "intelligent" digital copiers and fax machines, equipped with software that can recognize and distinguish among different forms of information that might show up on paper (images, printed text, handwriting, check marks).

But the sexiest invention is something called a glyph, a digital encoding of data. Walt

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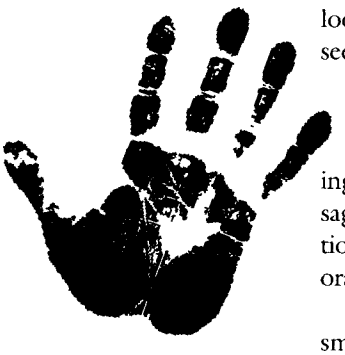

Johnson, a psycholinguist and software architect who worked with the team at the Xerox Palo Alto Research Center that helped develop the technology, explains that a glyph might look like a gray blur to the naked eye. If you took a magnifying glass to it, though, you'd see a series of slashes, which a computer and scanner (or smart copier) can read the way a cash register reads a bar code.

A glyph is much denser than a bar code, and more robust. That means lots more information can be stored in it, and it can be copied again and again without losing its meaning. To make a bossy piece of paper, you can use a glyph to store some commands (a message that the seventeen pages that follow should be faxed to your chairman, say, or instructions to contact a weather service and update a chart), then hide the glyph in a logo or decorative border.

So, your colleague's paper: a glyph printed at the head of the article would tell a smart copier what the reprint fee was, who owned the copyright, and where to reach that person. Whenever you copied an article, the machine would keep track of what you owed.

But what's to stop you from using a plain old-fashioned copier to cheat your colleague out of her dollar fifty? Nothing, says Johnson. "The glyph technology is useful for controlling billing in places that are mostly honest, like Kinko's and libraries, places that would be willing to pay the fee if it were easy. It provides them with an automatic way to do a complete audit trail." Now that smart paper is on its way, perhaps Xerox should get to work on Ethical Paper.

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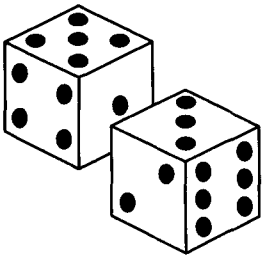
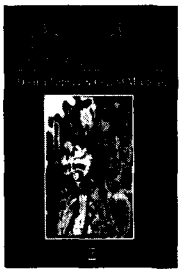
THE MUSIC OF CHANCE



Do you ever long for the days when mathematics made up three-sevenths of the liberal arts—a third of the trivium and half the quadrivium? Ivar Ekeland, president of the Université de Paris-Dauphine and founder of the Centre de Recherche de Mathématiques de la Décision, writes as if he were living in a pre-Babel world where the disciplines speak to one another. Like the work of Jorge Luis Borges, whose library of all imaginable books would be Ekeland's ideal spot for studying, Ekeland's essays juggle history, poetry, philosophy, and mathematics so deftly that scientists and humanists can read them with equal profit.

In *The Broken Dice and Other Mathematical Tales of Chance*, to be published in December by the University of Chicago Press, Ekeland spins yarns about luck and fate, those rival twins who rule the world—or do the bidding—of statisticians and novelists alike. Ekeland frames his stories with anecdotes from Snorri Sturluson's sagas of Scandinavian monarchs (Saint Olaf of Norway throwing dice with the King of Sweden, for example) and studs them with passages from Plato, Rabelais, Moses, and Antonio Machado. But allusions aren't all that's literary in his writing: Ekeland also has an unerring sense of the drama involved in a logical argument. His mathematical analogies and sketches of proofs unfold like suspense novels.

Though Ekeland's precise turn of mind is common among mathematicians and theoretical scientists, it's a sensibility rarely on display to layfolk. Exceptions to this rule—chemist Primo Levi, for example—generally leave the lab behind when they take up literary work. Some scientists, such as Richard Feynman, tell the public about the human drama behind their discoveries: who was jealous of whom, who published first. Most writers, even some mathematicians, leave the math out. When they come to a dif-



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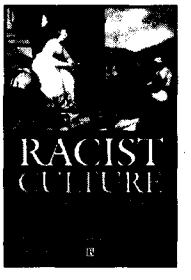

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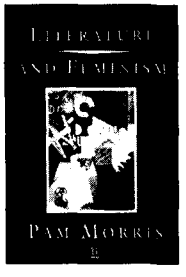

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ficult concept, they bury it in an analogy to the physical world.

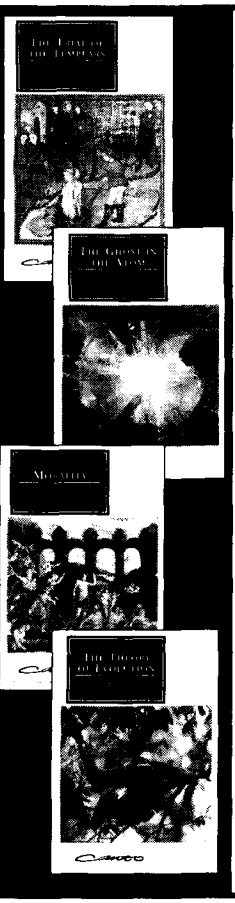
Not Ekeland. *The Broken Dice* is like a book of poems in a foreign language with a facing-page translation: It would never condescend to the reader by way of an easy vernacular. Though Ekeland doesn't expect everyone to be fluent in the language of mathematics, he does us the honor of assuming that, given a grammar and the right dictionary, we could puzzle it out.

THE WHARTON SCHOOL

The author of this season's hot historical romance isn't Rebecca Brandywine or Susan Sontag—it's Edith Wharton. And what a year she's had! Two of her books—*The Age of Innocence* and *Ethan Frome*—catapulted onto Hollywood screens. Her unfinished last novel, *The Buccaneers*, called her masterpiece, completed at last and about to be published by Viking with fanfare. Too bad Wharton's not around to enjoy the excitement.

The University Press of Virginia is also getting caught up in the Wharton whirlwind. In October, it will publish a scholarly annotation of *The Buccaneers*, without the new ending but with footnotes and a compilation of Wharton's manuscript emendations. (The novel will be paired with Wharton's first work of fiction, *Fast and Loose*, a witty novelette written when she was fourteen.) Viola Hopkins Winner, a Ph.D. in late nineteenth century American literature, decided to edit *The Buccaneers* because at a conference in Paris, several colleagues asked her how to get hold of a copy. She had no idea the rewritten Viking version of *Buccaneers*, completed by scholar and journalist Marion Mainwaring, was in the works.

Canto



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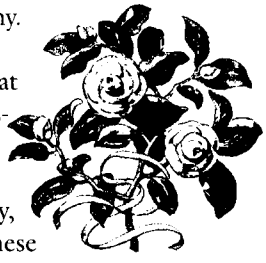
Edith Wharton

Set in the 1870s, the book recounts how a bevy of American beauties, unable to get past the stodgy doorkeepers of New York society, storm England and carry off all the best bachelors. The feistiest and most soulful of these girls, Nan St. George, snags Ushant Folyat, Duke of Tintagel, whose first name pretty much says it all about his attitude toward his wife. Unable to bear his repressive rule, Nan runs off with a nicer aristocrat.

Wharton's masterpiece? Not really. *The Buccaneers* fits better on a shelf with books by 1930s melodramatists like Margaret Mitchell and Daphne du Maurier than with ones by the gloomy Edwardian who wrote *The House of Mirth*. "In her works of the Thirties, Wharton got rather lax, rather clichéd," says Winner. "When she talks about Nan, she's pretty sappy." Winner attributes this sappiness partly to the women's magazines Wharton had been writing for at the end of her life. But no need to consider such gushiness a drawback. After all, nothing's more likely to take the market by storm than a juicy romance by a writer no one would dare call trashy.

FLOWER POWER



It's all very well to say it with flowers, but do you really know what you're saying? Back when the parasol was de rigueur and the bustle was big, lovers could send each other elaborate messages encoded in bouquets. Dainty volumes with names like *The Language of Flowers* were popular; filled with snippets of poetry, engravings, and lists of qualities associated with each plant, these

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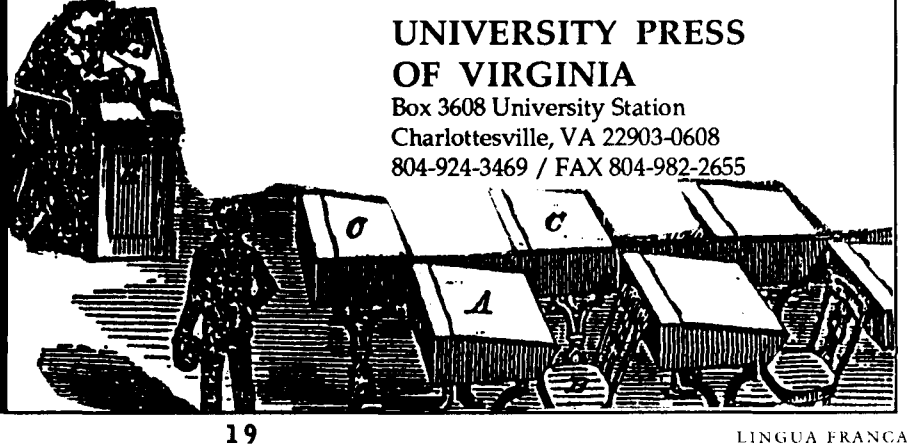

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Inside *Publishing*

books served as keys to the couple's code. A bunch of lauristinus, for example, might warn a careless sweetheart, "I die if neglected"; everlasting pea asks, "Will you go with me?"

Two works of scholarship—one recent, one forthcoming—take these floral cryptograms as points of departure for exploring the meanings and uses of flowers. *The Culture of Flowers,* by anthropologist Jack Goody (published in April by Cambridge University Press), scans Asia, Europe, and Africa for systems of meaning rooted in the cultivation and exchange of flowers. Goody, formerly professor of social anthropology at the University of Cambridge and fellow of St. John's College, ranges widely over time and space, sniffing out events of floral history wherever they blossom—from the Garden of Eden to the tulip craze in Holland and the destruction of flower shops during China's Cultural Revolution. A leisurely, orderly writer enamored of incident, Goody takes time to smell the flowers. Even his footnotes are a delight to read.

In *Herbarium/Verbarium*, which the University of Nebraska Press will publish in December, Dickinson College literary critic Claudette Sartiliot brings the critical methods of Derrida and Hélène Cixous to bear on the botanical texts of such modernists as Baudelaire, Proust, Gide, and Rilke. She also turns to the writings of Victorian scientists Charles Darwin and Freud, pressing her modernists' work between their pages. She makes much of the sexual ambiguity of flowers, with their male and female parts, their supposed innocence, their decadent allure. Perhaps, in the process, she disproves the rule of that other modernist, Dorothy Parker: You can lead a horticulture but you can't make her think.

—Polly Shulman

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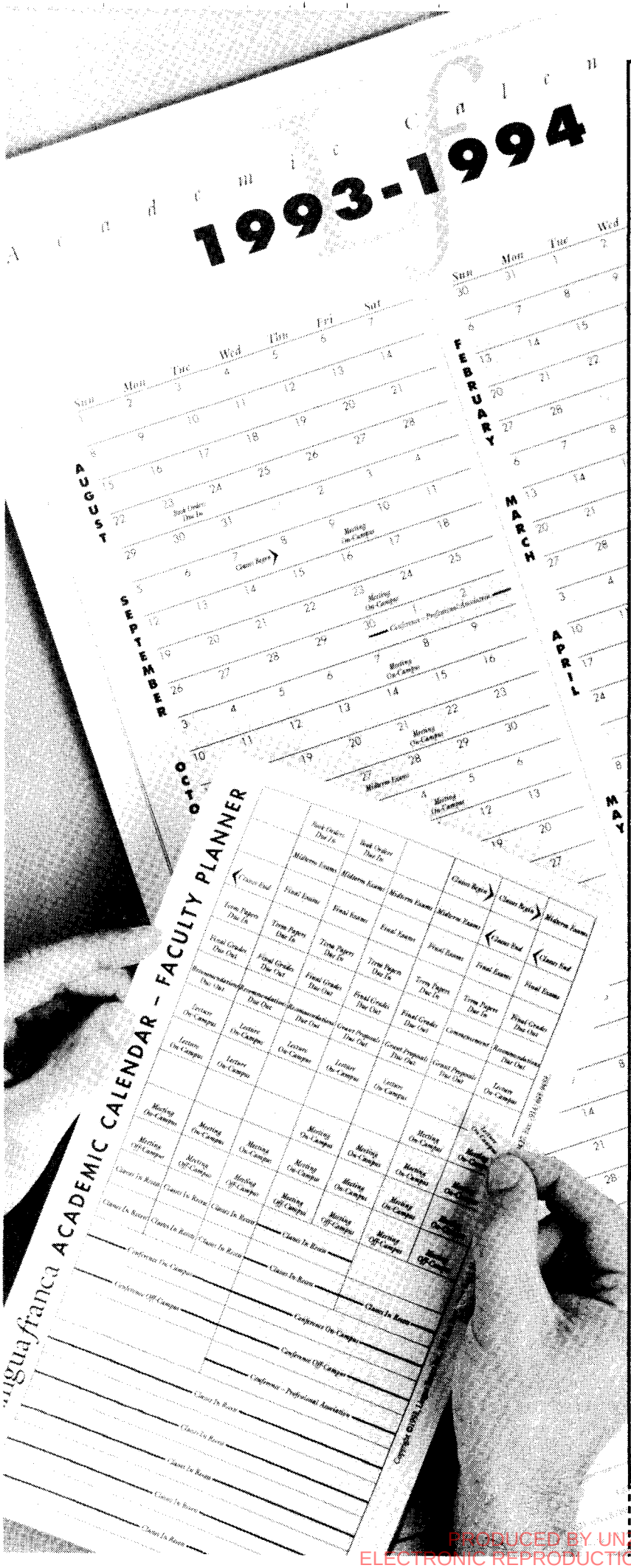

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COVER STORY

Vanity's Fare

The Peripatetic Professor and his Peculiarly Profitable Press

BY WARREN ST. JOHN

Continued from the cover

This book, *Rulers of Reality and the Ruled Races*, sits on the shelves of libraries at Stanford, Harvard, the University of Chicago, Yale, and Princeton, among others. It costs $99.95—more than three times the price of an average book. The problem is not that *Rulers* is *entirely* useless—any work containing the line "Straightaway surfaced and soared the surging Reagan Administration's revolutionary deobligation premise" clearly has value of some sort, though not, perhaps, as much as the three or four other purchases librarians ruled out by buying it. The problem is that, in all likelihood, they had no idea what they were buying. That the vastly overpriced *Rulers of Reality* can be found in some of the country's best research libraries says a lot about the way university libraries acquire books. And, at a time when many established university presses have found monographs to be simply unmarketable, it says even more about the book's publishing house—a newish, academicish press in Lewiston, New York, that grossed an astonishing $2.5 million in 1992, mostly by selling them to universities.

The Edwin Mellen Press—a quasi-vanity press cunningly disguised as an academic publishing house with a moniker conveniently similar to that of the better-known Mellon Foundation—is the brainchild of Herbert Richardson, a former University of Toronto professor of religion and one-time Moonie apologist with a Ph.D. in the sociology of religion from Harvard. Richardson's democratic—some might say undiscriminating—approach to publishing has made him rich; it has also inspired the suspicions of a few sharp-eyed librarians and the uncomplicated love of a few frustrated academics whose work is too arcane or too mediocre to be accepted by a conventional publisher.

The basis of the Mellen fortune, like that of most capitalist enterprises, is exploitation of overworked employees. But in Mellen's case, it isn't exploitation of its *own* employees that accounts for its impressive profit margins (though that certainly helps). It's the overworking of the employees of university libraries—Mellen's customers—that generates its exceptional revenues. "Apparently, university librarians don't have the time or the get-up-and-go to look at these books with scrutiny," shrugs an official at a large academic book wholesaler who asked not to be identified. Do librarians even look

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through the books they order? "I buy twenty thousand books a year," complains a beleaguered member of the acquisitions staff at Harvard. "I don't think anyone can do that." Richard Ring, head of library collection and development at the University of Kansas, agrees: "I would say [the average book] isn't read. The selector takes a brief glance at it and looks at the dust jacket and sees what the book is about. That's in theory—I physically look at about twenty percent of the books myself, look at the bibliography, look at the table of contents."

Most university libraries employ a staff of subject specialists whose job is to identify valuable new books in their field, order them, and, if they were bought on approval, briefly inspect them once they arrive. But even at the most attractively endowed institutions, specialist bibliographers buy books at such a rapid rate (an average of around 120 a week per specialist at the Universities of Chicago and Michigan, for example) that there is rarely time for any but the most superficial inspection. The cost of any one book is usually too low to justify spending a lot of time evaluating it.

It would seem, then, that a self-styled academic press could market almost anything packaged as scholarship and play on the cracks in acquisitions systems to get it sold. And if only that same press could somehow reduce almost to zero editing and production and royalty costs—to the point where even small, library-only print runs become profitable—it would stand to make a lot of money. And just imagine, if that press could also somehow start up *its own university*, whose students would buy the press's books and, as a prerequisite for their degree, could be required to produce still *more* manuscripts, which the press could then publish for profit—well, it would stand to make a lot of money indeed.

In its salad days—the late Seventies and early Eighties—the Edwin Mellen Press published mostly religious monographs, often Moonie-sympathetic and often by Richardson's friends. By 1983, Richardson had developed eleven monograph series, but the money was small-time, and he wasn't satisfied. He stopped printing Moonie literature, realizing it was frightening off more conventional authors. In 1986, he bought a fancy printing system that used electrostatic printing plates instead of labor-intensive typesetting. The printers—essentially high-tech, rapid-output photocopiers—reproduced camera-ready galleys (clean manuscripts that can be reproduced exactly as they are) to generate finished pages for an extremely low labor cost. Not surprisingly, the pages often looked like photocopies, but on good-quality paper and in solid bindings they appeared respectable enough. In 1988, Richardson found someone to operate the system, and Mellen suddenly became much more profitable. Whereas conventional typesetting methods required a run of several hundred to break even, the new system could make Richardson a profit on a print run as low as ten. In 1988, Mellen Press grossed about $600,000; in 1992, $2.5 million.

Richardson threatened to dock proofreaders 25¢ for every error they spotted above a certain quota.

Richardson had greatly reduced the cost of *printing* manuscripts, but that still left the irritatingly expensive process of editing them. He decided that writers who approached Mellen with a manuscript would be given two choices: They could forgo royalties, in which case the press would bear the cost of editing and production; or they could accept royalties of 8 to 10 percent and agree to pay production costs in advance. Writers who chose the latter option could then be milked for further revenue via the proofreading department, which existed for that very purpose. Having manuscripts proofread by Mellen cost writers a dollar a page—not an unusual rate. But Richardson demanded that his proofreaders edit twenty pages an hour, and he started them at minimum wage, so for every hour they worked, he made a profit of $16.65. Richardson also threatened to take a quarter out of proofreaders' paychecks for every mistake they corrected past a certain number. "He wanted us to ignore fifty percent of the errors," says Linda Newman, an accountant whom Richardson (or "Professor," as Richardson asked his staff to call him) hired to start up the proofreading department. When angry writers complained about the typos and misspellings in the books, Richardson would ask them to submit a list of errors and offer to correct them in the next print run, which almost never took place.

That proofreaders and editors made few changes to manuscripts didn't bother everyone. Many Mellen authors mistook the similarity between the submitted and the final copies for proof of their literary ability. "They didn't change a comma!" crowed Jules Becker, an amateur historian whose book about Chinese and Japanese immigrants in the United States was published by Mellen. Becker says he is very happy with the press and that his publishing experience was well worth the three or four hundred dollars he had paid for it.

About the same time Richardson was setting up his new printers, Linda Hoff, a forty-six-year-old Shakespeare scholar in Gulfport, Mississippi, queried seventeen university presses about publishing her manuscript, *Hamlet's Choice*. She received fifteen rejections, a letter from the University of South Florida Press expressing interest but regretting that it would be unable to assess her manuscript until January, and an acceptance letter from Richardson, she says, "almost by return mail." She wrote back to

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Vanity's Fare

Richardson allowing that she thought his quick acceptance of her manuscript odd. She also wanted royalties, which he had not offered. Richardson wrote back. He called. He was polite. He was charming. He flattered her. "The University of South Florida says they can assign a reader to your book in January," he said to her. "I will get your book *out* by January."

He invited her to supervise the publication of her manuscript at Mellen's Lewiston, New York, headquarters. Hoff, having nothing better to do at the time, accepted the invitation and arrived in Lewiston on November 1, 1988. Shortly after she arrived, the Immigration and Naturalization Service deported Mellen's marketing director, Wendy Smith, back to her native Wales, and a frantic Richardson begged Hoff to help him with the office work while she completed her book. Hoff agreed, and became Mellen's new marketing director. From inside the Mellen offices, Hoff found out how it was her manuscript had been accepted so promptly. "No one reads those manuscripts before accepting them," she explains. "It was our usual practice to accept everything."

Together, Hoff and Richardson devised a marketing strategy—a subscription plan that would give librarians an incentive to buy Mellen books in bulk. Richardson compiled lists of books on related topics to form series, to which librarians could subscribe and from which they could order Mellen books at a substantial discount from the exorbitant list prices. The books were bought on approval and could be returned. Richardson frequently changed titles to make books appear far more general, and thus more appealing to the thrifty librarian, than they actually were: A book on the obscure Christian doctrine of Priscillianism, for example, was retitled *Iberian Popular Religion 600 B.C. to 700 A.D.: Celts, Visigoths, Romans.* Richardson also purchased lists of professors, arranged by discipline, from mailing companies, and sent them Mellen's listings-heavy catalogues. Craftily, he provided an order form on the back of the catalogues addressed not to Mellen but to the professor's acquisitions librarian, upon whom the academic could then prevail to purchase the desired books. Those books were sold at list, not discount, prices.

Later, Richardson started selling Mellen books through wholesalers—a system that makes it even less likely that any individual book would be examined by a librarian. When buying from wholesalers, libraries often order through approval plans, in which the wholesaler sends the library a bulk order of books fitting a certain profile. It is a rare librarian who has time to do more than sample the shipment when it arrives, so the *Rulers of Reality*s get slipped in with the rest. "Once we ship the books to the libraries, it's halfway sold," says a wholesaler. "They don't like to return the books—it's labor." Actually, the books are *better* than halfway sold: Industrywide, the same wholesaler estimates, return rates for books bought on approval plans range between 5 and 10 percent.

A book on the obscure doctrine of Priscillianism was retitled Iberian Popular Religion to make it more marketable.

Everything was going well at Mellen, when two bad things happened. In 1989, a charge of plagiarism was brought against a Mellen author, Stephen Barnes, whose *Muzak: The Hidden Messages in Music* appeared to have been lifted from the dissertation of a Tufts associate professor of sociology. The case received prominent coverage in *The Chronicle of Higher Education*. Then, in 1990, Mellen published another book by Joseph Washington—*The First Fugitive Foreign and Domestic Doctor of Divinity: Rational Race Rules of Religion and Realism Revered and Reversed or Revised by The Reverend Doctor James William Charles Pennington*—and several librarians, noticing the absurd title in the catalogues, suddenly became very insecure about their past Mellen purchases and very angry, and kept the Mellen phone lines ringing with their outrage. Richardson decided writers would thenceforth be asked to collect flattering blurbs for their own manuscripts from experts in the field—in practice, of course, mostly the authors' advisers and friends—in order to provide the Mellen product with an additional protective coating of respectability.

The bad press made Richardson cranky, and strange things began to set him off. He had an acute sense of smell, and if, after lunch, someone ferried the odor of, say, fried fish into the office in the folds of their clothes, he would blow up. He forbade employees to smoke or drink both on and off the job and required them to keep a toothbrush at work and brush after each meal. He installed a shower in the office basement and demanded that Alice Rivers, Mellen's fortyish marketing assistant, shower there every morning because he didn't like the way she smelled. When the Lewiston Village Board began harassing Richardson over some dilapidated buildings he owned on Center Street, he told Hoff 's assis-

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tant, Marie Conrad, she had to run for mayor. (She refused.)

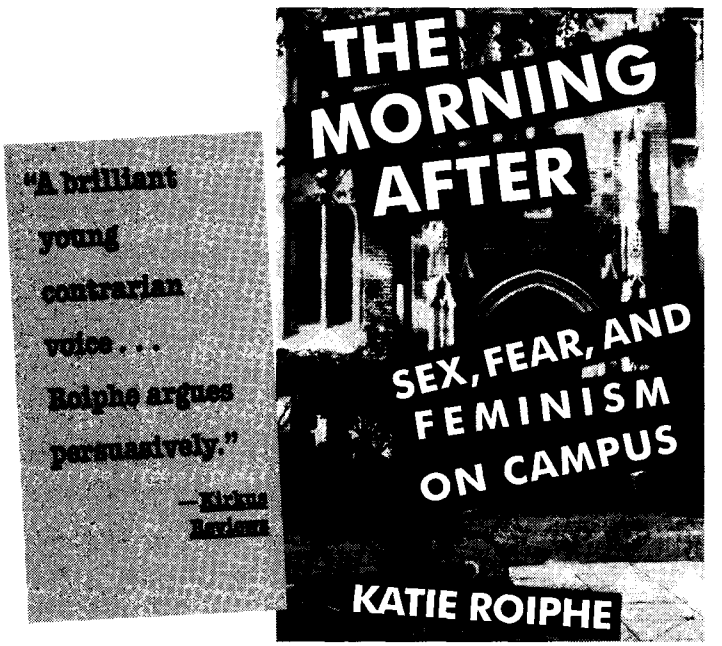
By September 1990, Richardson felt sufficiently recovered to start seriously investigating the possibility of a Mellen University. For some time, Richardson had been contemplating the advantages of a university attached to the press. Not only would it provide a market for Mellen books and generate new manuscripts that could be subsequently published; if the press could be allied with a nonprofit institution like a university, it could avoid taxes altogether. And there was always tuition. So he sent Hoff to Liechtenstein. "Don't ask what we can do," Hoff says Richardson instructed her before she left for the tiny banker's haven. "Find out if they can stop us."

Apparently they could—Hoff was warned explicitly by a Liechtensteinian government official, "No diploma mills." But only a few months later Richardson found a government that couldn't care less: Turks and Caicos, a group of small Caribbean islands that not only adhered to the most generous of educational standards but had the additional advantage of being a British dependency. Many diploma mills are set up in British dependencies because the British common-law term for incorporation—"chartered"—can be used with impunity as a synonym for "accredited" in the United States, where nobody knows any better. Mellen University was duly chartered and opened for business in September 1992. The Mellen University catalogue claims that Turks and Caicos was chosen because of its location "at a cultural junction linking North and South America, Europe, Africa and Asia," and because of "certain historical symbolisms"—namely, the catalogue explains, that Columbus landed on Grand Turk Island and John Glenn splashed down nearby.

Richardson got together a board of fourteen overseers composed almost entirely of elderly professors emeriti whose books he had published or who were professional acquaintances. The board—which, according to Hoff, never met—included University of Michigan professor emeritus Emery George, professors emeriti of Notre Dame Jean Laporte and Ellen Weaver, and Frederic Will, an independent scholar, the only overseer to take any active role in the university. Richardson appointed John Tulip from Statesboro, Georgia, to be the university's Director of Advanced Standing. Asked how he became involved with Mellen, Tulip sheepishly confesses, "Through an effort to enroll." Richardson placed ads in the classified pages of *USA Today:* "B.A. for Life Experience, $995.00, Mellen University."

Continued on page 62

Feminism today—liberating or suffocating?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THE *new* CRITICS

MacKinnonites. Race men. Angry consumer advocates. When it comes to art on campus, everybody's got an opinion. And administrators, alas, are listening to all of them. by Liza Mundy

The things were balls—that much was clear. More specifically, they were truck-tire inner tubes that had been inflated and coated with fiberglass to produce a clump of large bulbous shapes. So it's not entirely surprising that last fall, when students at St. Mary's College awoke to find Marcia Kaplan's abstract sculpture installed on campus near the dining hall, many of them believed they were beholding a gigantic set of male genitalia.

Others believed they were seeing a gigantic set of female genitalia.

Still others wondered why, in order to get their breakfast, they had to hike past a gigantic pair of female breasts.

A few felt Kaplan's sculpture resembled oversize hot dogs.

"There was an incredible range of descriptions of what people saw in them," says Douglas Tyler, chair of the art department at St. Mary's, a small Catholic women's school near South Bend, Indiana. "It was kind of hilarious."

St. Mary's students were not amused. And if they couldn't agree on what the balls were, exactly, the young women were united in thinking them lewd and hence intolerable. "I can't remember anything else on this campus that people got so upset about," recalls then senior Karen Fordham, who promptly drew up a petition demanding that the offending artwork be removed. While she was canvasing dorms and collecting some 300 signatures, a few classmates expressed their displeasure more directly: They rolled around on the sculpture until one of the balls was, ahem, busted.

Flustered St. Mary's officials swiftly stored Kaplan's damaged sculpture for safekeeping.

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Kaplan may not have known it, but she had just joined a growing company of artists whose work has fallen afoul of censorious students. Around the same time that St. Mary's students were fulminating against obscenity on campus, students at Colgate University joined with faculty to challenge the school's decision to exhibit groundbreaking new works by noted American photographer Lee Friedlander. The protesters claimed that Friedlander's black-and-white, painstakingly unglamorous pictures of women's naked bodies—hailed by *The New York Times* as "masterly images by one of the most important photographers of our time"—created an atmosphere hostile to women. At the University of Alabama at Birmingham, the student government last year voted to condemn the purchase of an Andres Serrano photograph, calling it a "hate crime" against religious students. At the University of Ohio at Lancaster, students were revolted by—and revolted against—an exhibit that included photos of men kissing. At the University of Arizona in Tucson, students railed against a group of self-portraits showing the artist, a graduate student named Laurie Blakeslee, posing in her skivvies. When words failed, the Arizona students resorted to spitting on the photos, tearing at them, and, finally, flinging food at them, until the manager of the student union removed Blakeslee's photos to prevent them from being destroyed. Students at the University of Pittsburgh banned an "obscene" painting from last year's open exhibit of student art. The painting showed a naked woman drowning in a pool of semen; according to the male artist who created it, this surreal vision was meant to depict women victimized by masculine desire. To the all-female student panel, it constituted sexual harassment.

Holy water buffalo! In these days of cultural sensitivity and interpretative chaos, even artists can't know their own true motives. "In this culture, there isn't uniformity of opinion," notes Columbia University anthropologist Carole Vance, who has written about the Meese Commission's report on pornography. "What may strike me as sexist might not strike you as sexist."

Pieta II by Andres Serrano

The ambiguity poses a real problem for artists—who trade, after all, in ambiguity. Indeed, it may be campus art—not campus conversation—that becomes the lasting casualty of speech codes and the atmosphere they create: Faced with images that are troubling or ugly or carnal or merely unclear, a vocal minority among today's undergrads simply concludes that what it is really witnessing is the visual equivalent of hate speech.

"Students are increasingly seduced by these code-word excuses," notes Marjorie Heins, director of the Arts Censorship Project of the American Civil Liberties Union and author of *Sex, Sin and Blasphemy: A Guide to America's Censorship Wars.* "There's a tendency to describe anything you don't like in a work of art as sexual harassment, so that it becomes a civil rights violation."

The most irritating part is that even now, in the post-Robert Mapplethorpe era—when thinking people are supposed to know better—more and more administrators are letting themselves be bullied into a kind of moral paralysis. Muttering noncommittal bromides about "a conflict of liberal principles," secretly quaking at the prospect of an unseemly lawsuit and the bad press it would bring, bent on mollifying the most fractious voices on campus, and silently (sometimes vocally) endorsed by a comatose and complicit faculty, these university leaders are ceding their mission to educate—and to lead—and allowing overwrought twenty-year-olds to determine what can and cannot be displayed on a college campus. "Administrations that really show inertia when it comes to addressing problems of sexism and so on will snap to when someone says that a film or work of art is offensive," says Vance. "It's a relatively inexpensive way for an administration to show its concern."

Or as one frustrated artist put it, "There's no way to win doing sculpture for a campus."

Nowhere have the battles over campus art been more passionate than in those cases where clashing visions of feminism are at stake. Young women and men influenced by crusading law professor Catharine MacKinnon—and these are in the ascendance on many campuses—believe that pornography and other sexually explicit imagery create an atmosphere in which rape is tolerated and even encouraged. MacKinnonite ideas underlie many of the student-led attacks on campus art; ironically, they often pit feminist students against feminist artists. And nowhere has this clash been more evident than at the University of Michigan Law School, where MacKinnon herself teaches, and where, last fall, a group of students were inspired by her theories and, possibly, by her, to pull a "pornographic" videotape from an art

PHOTOGRAPH COURTESY OF UAB VISUAL ARTS GALLERY

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exhibit they themselves had commissioned.

"Have you seen the tape?" MacKinnon asks me on the phone. Surprisingly (her secretary had said she would be unavailable for comment), the renowned feminist has returned my call requesting her views on the Michigan flap. For some reason, MacKinnon refuses to say where she's calling from. That in itself is unnerving; even more unnerving is MacKinnon's response when I admit I have not seen the videotape in question.

"Depending on your own history of sexual abuse," she comments offhandedly, "you might want to be prepared for what it might do to you."

With that introduction, the tape arrives in my mailbox, dispatched from the office of Detroit artist Carol Jacobsen. A two-hour work, more documentary than art, really, assembled by Jacobsen and featuring segments by five video artists, it explores the lives and livelihoods of street walkers and call girls. In the opening segment, former hooker Carol Leigh interviews prostitutes from various countries. Another, "The Salt Mines," tells the stories of homeless male prostitutes living in a road-salt repository outside of New York City.

Sandwiched between these two sobering presentations is an autobiographical segment produced by porn-star-and-proud-of-it Veronica Vera. In her "Portrait of a Sexual Evolutionary," Vera sets out to prove just how gratifying pornography can be for the women who make it. "Portrait," MacKinnon argues, is little more than "a puff piece for [Vera] as a pornographic model," and it's easy to see what MacKinnon means: It opens with a heavily made-up Vera, wearing a gauzy gold blouse and sitting before a translucent scrim, discussing certain, um, seminal moments in her life in such breathy, bad-actressy tones that it's hard to believe she's serious.

The film is cheesy, amateurish, fascinating. To show how pornography satisfied her early erotic yearnings, Vera shifts between childhood experiences—usually involving her Catholic upbringing—and adult ones. A description of her youthful genital explorations is followed by footage in which she and another woman are shown masturbating; a memory of menstruation is followed by a shot of Vera's vagina and torso, smeared with menstrual blood. The revelation that she didn't fool around much in high school—"only the black boys recognized my sexual potential, I guess because they realized the importance of a big luscious ass"—is followed by a photograph of Vera with a black man's erect penis in her mouth.

MacKinnonite ideas underlie many of the attacks on campus art, pitting feminist students against feminist artists.

PHOTO BY ROBERT LOCK

Vera in the erotic temples of Khajuraho, India

And so it goes. Vera moved to New York City, became a secretary, began performing oral sex on men in her office, began publishing erotica, began performing in porn movies. She portrays this subterranean universe as populated by strong women who instructed her about sexual independence. Her guru is Annie Sprinkle, formerly an actress in X-rated films who has gained a certain cachet as a downtown performance artist—Sprinkle calls herself a "post-porn modernist" and is often mentioned in the same breath as National Endowment for the Arts outlaws Karen Finley and Holly Hughes. Sprinkle appears several times in Vera's feature. In one of the video's scenes Vera is supposed to be behind the camera, helping produce a Sprinkle video. Before long, however, the action on stage gets so hot that Vera is moved to join it, and dives for Sprinkle's you-know-what; Sprinkle, delighted, narrates their cunnilingual fun.

Jacobsen assembled the video for a show titled "Porn'imag'ry: Picturing Prostitutes." The exhibit, which also includes a Jacobsen documentary about Detroit prostitutes, "Street Sex," was commissioned last fall by the Michigan law students to accompany a conference on prostitution. The conference, in turn, was convened to launch the flagship issue of the students' new feminist legal journal, *The Michigan Journal of Gender and Law.*

Jacobsen says she had her doubts when the students approached her about the project, suspecting that some (if not all) were MacKinnon acolytes. As do many feminists, Jacobsen strongly disagrees with MacKinnon about the ideological significance of sex workers. Where MacKinnon sees women who are cruelly exploited by diabolic male pornographers and pimps, Jacobsen sees potential feminists trying to make a buck. But the students assured her that speakers who favored the legalization of

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prostitution would be invited to balance those who opposed it, and that the point of view of so-called pro-sex feminists would be represented. Jacobsen's misgivings returned, however, when she learned that the students had changed their minds and invited only MacKinnonite speakers—including MacKinnon herself and her longtime ally Andrea Dworkin. According to student organizer Ann Kraemer, the group decided that the MacKinnon camp represented the "newer" and more interesting feminist take on the world's oldest profession. However, another student, Lisa Lodin, told *The New York Times* that some of the antiprostitution speakers refused to appear if the "other side" was invited. Lodin said the students felt "manipulated," but agreed to their demands.

Students told reporters they pulled the tape because some conference speakers felt physically endangered by it.

At this point, Jacobsen says, the students told her that her exhibit was more important than ever; it would provide the sole alternative viewpoint in an increasingly one-sided discourse. So she went ahead, assembling and installing it in the student union, a block from where the three-day conference would be held. She missed the first day of the conference but on the second day stopped by the exhibit and noticed that the five-part tape was missing. Assuming it had been stolen, she installed a backup. On her way to the conference, she ran into a law student who told her that another student had removed the tape after some of the speakers objected to it. The student acknowledged that neither of them had watched the tape, nor could they tell her which part was deemed offensive. She assumes it was Vera's segment.

Outraged, Jacobsen retorted that she had replaced the tape. In response, she says, the students announced to the conference audience that the tape must go. Jacobsen protested, arguing that female artists deserved better treatment from a feminist conference and saying that "if the conference organizers want to censor any part of the exhibit they'll have to censor the entire thing." Whereupon the students held a hasty meeting with MacKinnon, Dworkin, and other speakers, according to Kraemer; the students then went into a separate room and independently decided to ask Jacobsen to take down the entire exhibit. Jacobsen did so. She immediately called the local papers and, a few days later, contacted the ACLU. It threatened to sue the University of Michigan for depriving Jacobsen of her right to free speech.

In doing so, however, the ACLU had to confront a difficult question: Can students censor? Strictly speaking, censorship is an act in which the state suppresses speech. Do students who have received money from a state institution represent the state itself? Kraemer maintains that they did not; the ACLU's Marjorie Heins concedes the point, but argues that the students clearly censored the artists in the broadest sense of the word. As Heins defines it in her book, "Censorship happens whenever some people succeed in imposing their political or moral values on others by suppressing words, images, or ideas they find offensive." Of Vera's video segment, she writes, "The work is by a woman, speaks to issues of women's liberation and sexuality, presents a libertarian political viewpoint—and was censored by people claiming to be feminists."

The ACLU sought to strengthen its case by arguing that the students acted at MacKinnon's behest—something which, if true, might lend credence to the notion that the university, and by extension the state, quashed the tape. MacKinnon denies the charge, denouncing it as "slimy lawyer shit" that's part of a longtime ACLU "smear campaign" against her. She says she spoke with the students only twice, and never told them to remove the tape. When a speaker at the conference called her to complain about the video, she says, she phoned the students and advised them to take a look at it. Later, she spoke with them again and warned them of the dangers of showing pornography, even in an academic context: She had felt compelled to stop teaching a class she and Dworkin gave on the subject, she told them, after "several students had mental breakdowns as a result of remembering things that happened to them as children." Then she urged the students again to look at the tape: "I said, 'I haven't seen this stuff, I don't know if it is pornography, but, if it is, people need to think about its impact in an academic setting—and not assume that an academic setting is stronger than the pornography.'"

MacKinnon adds, "The one thing I asked them to do, they didn't do, did they?"

The students agree that MacKinnon played no part in their decision. Beyond that, their defense is confused: Several students told reporters they pulled the tape because some of the speakers at the conference felt physically endangered by it. An angry Michigan undergrad who spoke out at a recent conference on censorship and the arts said she and other students felt the tape could incite men to rape. Kraemer, however, says only that the students did not wish to have "commercial pornography" shown in any context and that, in fact, Jacobsen interfered with *their* freedom of expression.

To MacKinnon's feminist critics, however, the dustup over Vera's video segment is yet another reminder of the naïveté with which the other camp reads images and theorizes what their effect is on us. "I think the idea that an

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image per se is harassing is actually quite mistaken and is totally incompatible with how we normally think about images," says Columbia's Carole Vance. "Context matters, so does interpretive frame, and viewers differ in how they interpret an image. If the question is posed as, Which images are sexually harassing? half of an important question has already been ceded to those who have a reductionist, simplified view of art and culture."

Once upon a time—in the 1960s and 1970s—students would have been overjoyed to see some outrageous, preferably sexual, piece of art in the campus quad.

Vance and others fear that those most harmed by the MacKinnonite approach to art will be female artists—and with them, students who are deprived of the opportunity to see and study what one critic has described as the "most interesting" development in contemporary art: sexual art by women. "We're beginning to open up areas of women's lives that have not been visualized: They're unfamiliar, unladylike, disturbing, difficult images," notes Jacobsen. "And they can so easily be labeled pornographic and then suppressed."

MacKinnon, of course, disagrees. Female artists, she says, haven't begun to escape the miserable self-image foisted upon them by dastardly pornographers. Luckily, though, she has: "What you need is people who see through literature like Andrea Dworkin, who see through law like me, to see through art and create the uncompromised women's visual vocabulary."

In any case, after protracted negotiations between the ACLU and Michigan Law School dean Lee Bollinger, a settlement was eventually reached. It was decided that Jacobsen will reinstall her exhibit this fall, when the law school (not the students) will present a conference on sexual art and censorship. Bollinger, a First Amendment scholar, says the students "made a mistake," but otherwise seems to sympathize with their desire to orchestrate their own conference.

But what about Bollinger's colleagues on the Michigan faculty? Did this top ten law school cough up any homegrown Alan Dershowitzes, First Amendment zealots bellowing about the marketplace of ideas? Well, no. Jacobsen says she received not so much as a Hallmark sympathy card, much less an amicus brief, from Michigan faculty, though one art professor did help her take her exhibit down. Noting the "deafening silence" of the people who are paid by the state to educate the taxpaying citizens of tomorrow, Carole Vance ventures that "no one wanted to cross Catharine MacKinnon."

But come now. We can't blame MacKinnon for everything. Nor should we assume that sex is the only thing provoking frenzies of outrage in today's ban-happy undergrads. An equally bitter—if less publicized—dispute broke out in May 1992 at Colby College in Waterville, Maine, where a poster advertising the senior art exhibit was removed by a black student. At Colby, as at Michigan, the artist took an incendiary image and placed it in an artistic context; however, many students felt the image retained its original shock value. In this case, the image consisted of a still from the videotape of the Rodney King beating. Hoping to galvanize Colby's apathetic white population, Greg Long, a white student, took that image and superimposed slogans intended to demonstrate the superficiality of modern culture upon it. As EXCITING AS POLICE BRUTALITY, said one; another read, IT'LL HIT YOU LIKE A BLOW TO THE HEAD. The morning the posters appeared, Long says, a dean asked him to take them down. He refused, but no matter: within hours, all fifty had vanished. The Colby administration quickly issued a memo deploring Long's "insensitivity" and "poor judgment" and stating that other student artists were taking down the posters.

Actually, that's not quite what happened.

"I went around and took them all down," says biology major Leonard Baker. To Long, the poster was an ironic commentary on an uncaring culture. To Baker, it was an affront to himself as a black student in a white-dominated school—a school he had paid good money to attend. "The fact that I pay tuition to this school means that I shouldn't have to walk around seeing pictures of a black man being beaten," Baker says. "I didn't want to have to go to classes and look at that."

The tumult dominated the remaining days of the term at the liberal arts college. "It was the only thing that people talked about," says a still-shaken Long. "It completely swept the school. There was a meeting in the chapel, with some 200 students, and I had to get up and defend what I did. Some people called me a racist; others defended me. People were weeping and breaking down. It was nuts."

Long was hard-pressed to find advocates among Colby's administration—or its faculty, aside from some tepid support from the art department. One government professor was quoted in the student newspaper saying that Long had "screwed up big time"; a dean suggested that Long

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should seek a refund from Colby, since he had obviously learned nothing there. Even Baker was shocked by the swiftness with which President William R. Cotter capitulated: When Baker visited the president's office to complain, he says, Cotter "had the apology all typed out before he even heard what I had to say." Baker feels Colby's administration—terrified of alienating black students—wanted to pacify him as quickly as it could.

Long's ordeal is a textbook example of thwarted good intentions—a case of an artist who thought he was the good guy finding, to his surprise, that his audience felt otherwise. "I never intended to hurt anybody with the piece," says Long. "It was very painful to me to see that I had done that."

If Long thought his intentions were misread, he might take comfort in the case of Connecticut artist Julia Balk, who in 1990 was commissioned by the University of North Carolina at Chapel Hill's class of '85 to create a sculpture called *The Student Body*. In an effort to reflect the diversity of UNC's 23,000 students, Balk came up with a group of attenuated bronze figures in poses designed to blend with pedestrian traffic at the main entrance to UNC's Davis Library. Seeking a central figure, Balk sculpted a tall man twirling a basketball, and—in tribute to UNC grad Michael Jordan—made the basketball player black; similarly, she gave an African-American appearance to a female student shown balancing a book on her head. Another female student was depicted walking with a male, his arm around her shoulder and hers around his waist; he was reading a book and she was eating an apple—showing, in a subtle biblical allusion, who had the real knowledge.

For all her multiculti carefulness, Balk caught it from all sides. Campus feminists wanted to know why the man got the book, and why the women appeared subservient. Black students wanted to know why the athlete was black—did UNC see black men only as jocks?—and whether the woman was modeled after an African basket-carrier. Not to be left out, Asian students wanted to know why a figure with a vaguely Asian face was shown carrying a violin case.

Students formed a Committee Against Offensive Statues. Somebody vandalized Balk's work one night, toppling one of the figures and making off with the basketball. In the face of the uproar, UNC chancellor Paul Hardin agreed to have the $65,000 sculpture moved to a nearby garden, where students would not be obliged to confront it. Hardin describes himself as "almost a First Amendment absolutist" but justifies his concession with what he describes as the "captive audience" exception—the theory that the First Amendment doesn't apply when people cannot avoid the speech being directed at them.

When it's pointed out to him that undergrads are by nature captive audiences, Hardin chuckles. "I had the advantage that I was legally trained and they weren't," he says. "And I felt I had a good feeling for where the balance might be."

Whether or not Hardin made the right choice, decisions like his will surely encourage campus art committees to stick with the abstract stuff. "The further you get from realism, the less likely a piece of work is to be vandalized," says William Massey, a UNC grad who ran interference between Balk and the administration. "People will be looking at the texture of the hair, or the size of the nose, or the bone structure—the more identifiable they are, the more likely the work is to be criticized."

Once upon a time—that is to say, in the 1960s and 1970s—students would have been overjoyed to see some outrageous, preferably sexual, piece of art installed in the campus quad or gallery. Anything would be better than those dreary statues of the university's first trustees donated by the class of '26 or the Wedgwood snuffboxes collected by the president's wife. But once upon a time students also agitated for free speech on campus and took libertarian foulmouths like Lenny Bruce and Germaine Greer as their heroes. A lot has happened since then: MacKinnon; speech codes that encourage students to seek and destroy any expression—verbal or visual—that offends them;

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the religious right's attacks on "blasphemous" and "obscene" art funded by the NEA; an economic downturn. St. Mary's art prof Douglas Tyler speculates that students of the 1990s, obsessed with careers and tuition and shrinking opportunities, have undergone a withering of the imagination.

Students are also influenced by a powerful consumer mentality—a conviction that the art they've "paid for" must be art they like. Witness a long-standing series of protests at the University of Arizona in Tucson, which for more than a decade has administered an ambitious public art program. To augment its purchases of art by professionals, the school launched a program in 1985 in which an art student would be selected each year to display a piece of sculpture in front of the administration building. The art students reacted with gratification and pride. Their classmates reacted with mockery and vandalism. A student sculptor named John Davis designed the first work of art, a large wooden structure supporting a group of fiberglass trout swimming upstream toward a net. The message was that, like AU undergrads, some of the trout would make it out, while others would be netted.

"It was a whimsical piece, quite innocuous really," recalls Robert Cauthorn, art critic for the *Arizona Daily Star*. Therein lay the problem. Arizona students didn't want whimsy. They wanted ART. So they denounced the sculpture and sawed off the trout. Every time Davis replaced a trout, somebody sawed it off.

"Students thought that it was a waste of money, that it was stupid, that there was no reason our tuition money should go for a sculpture that didn't represent them," recalls AU student Bridget David.

"They want an equestrian sculpture," snorts Cauthorn. "They want art that conforms to some failed notion of dignity that they have. They believe in having dignified expressions, so that when people come to campus they won't think it's a silly campus. That matters to them."

Art committees take note: Whimsy is out. But so is provocative art. Recently, Arizona students objected to another student piece, an old travel trailer that had been transformed into a rather realistic depiction of a shelter for the homeless. They protested a sculpture by a professional artist that was to be displayed in a grassy area where people sunbathed. ("I found myself defending art against freedom of lounging!" marvels Peter Bermingham, who chairs the campus art committee.) And, of course, they protested the seminude photographs of Laurie Blakeslee, in which she made a statement about the female condition by donning underwear and, among other things, sticking her head in an oven.

"I found myself defending art against freedom of lounging!" marvels one campus art committee chairman.

Faced with such an unpleasant commotion, what's a university helmsman to do? Apparently the answer depends on where the commotion is coming from—that is to say, who's doing the yelling. Last year, the art department of the University of Alabama at Birmingham raised private funds to purchase a work by Andres Serrano, creator of the "Piss Christ" photograph so reviled by Senator Jesse Helms. In the University of Alabama's Serrano, a small replica of Michelangelo's Pieta sculpture is submerged in a tank of cow's blood and urine. The body fluids, notes art department chair Sonja Rieger, gave the statue a wondrous glow; nonetheless, when the student government realized where the glow came from, it passed a resolution demanding that the work, called "Pieta II," be returned—prompting the Alabama faculty, in a remarkable act of courage, to pass a resolution condemning the students. "It was almost a reverse 1960s situation, where the faculty was pushing the radical side, and the students were saying no," gleefully notes Jon Griswold, the libertarian/Native American/Christian/older student who led the undergraduate protest.

UAB president Charles MacCallum also sided against the students—sort of—and, in the face of conservative criticism from around the state, issued a memorandum stating, "While many people in the community, including myself, find the work offensive, the Department of Art feels that the work has significant artistic and educational merit."

Similarly, when a group of students protested an exhibit of homoerotic art at the University of Ohio at Lancaster last year, the administration was prepared, and the exhibit stayed put.

Such staunchness is admirable. But it makes you wonder whether in the arts—as in questions of offensive speech—campus administrators are on the verge of developing a bad case of the double standards. Whenever the intent or effect of an artwork is unclear, some university presidents seem all too ready to cave in to the superior wisdom (or media visibility) of lefty student activists—while at other schools, the arguments of fundamentalist students are made in vain. In any case, many administrators have been going through a marvelous series of contortions: At Michigan, Lee Bollinger trod a careful line between feminist camps, pleasing neither side. But at least Bollinger did something: At Colby, Greg Long was left to twist slowly in the wind. At UNC, the administration relocated

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Julia Balk's vision of a student body. At St. Mary's, Marcia Kaplan's sculpture was exhibited for only a few days before it was shipped back to her. At Pitt, the administration sided with the female students and reinstated the "obscene" painting only after the artist, represented by the ACLU, filed suit.

By far the most singular compromise was struck at Colgate. There, students and faculty objected to the Lee Friedlander photographs of nudes being shown on the top floor of the Picker Art Gallery, which serves as a corridor to several offices. Rather than move the works to a self-contained lower-floor gallery, Bruce Selleck, provost and dean of faculty, opted to remove them during the week, when the gallery served as a "workplace," and reinstall them on weekends, when the Picker was merely a "gallery." In a memo, Selleck acknowledged that the arrangement was "awkward," but said that "it will permit interested members of the community to view the photographs."

In the Colgate students' defense, it should be noted that Selleck seems to have been reacting primarily to angry faculty members and only secondarily to nonplussed students whose responses were cited by faculty in a number of tart memos. ("They comment that they feel embarrassed and uncomfortable when they walk down the hallway on their way to a class," writes Lynn Schwartzer, a professor in the Art and Art History Department who proposed that the exhibit be relocated.) It should also be noted that some Colgate students were moved to defend the Friedlander exhibit, and that one English professor had the temerity to circulate a petition urging that the question of censorship at least be discussed, if only in conjunction with harassment. But in the end, of course, awkward compromise carried the day.

The compromise that will allow Carol Jacobsen's work to be shown has also failed to reconcile the pro- and anti-porn feminists on the University of Michigan campus. Indeed, Catharine MacKinnon and her supporters are sure Jacobsen's video will only strengthen their claim that porn cannot be transformed by context. Asked whether the video, as porn that at least aspires to be art, is still porn, MacKinnon replies, "It's not even a close call. This is sexually explicit material; women are being hurt, used, violated, stripped."

But perhaps the most telling outcome of all the art wars on campus occurred at the University of Arizona. There, an administration worn down by repeated anti-art stampedes eventually opted to suspend the student sculpture program, replacing the works with a bed of red flowers in the shape of an A. Not every student is happy with this solution. Remembering the infamous trout sculpture, Bridget David recalls fondly: "It was funny, though the students didn't think so. The piece—it wasn't, like, the greatest piece I've ever seen, but it was a fine piece, and it was a good idea, and now we don't have art there anymore." Lf

Liza Mundy is an editor at The City Paper *in Washington, D.C. Her most recent article for* Lingua Franca, *in the March/April issue, profiled twelve of higher education's skankiest funders.*

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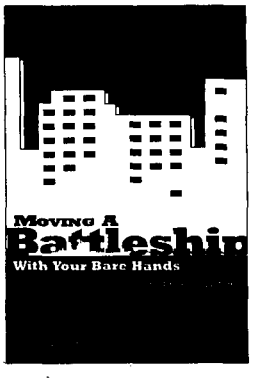

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EXCERPT

OUT OF THE PAST

Encounters With a French Collaborationist

By Alice Kaplan

WHAT DRAWS US TO THE SUBJECTS WE write about and teach? Sometimes it's a question of identity, a matter of traveling beyond the selves we grew up with and trying out new ones.

For Alice Kaplan, a midwestern girl who became a Francophile, a Francophone, a professor of French literature, and a student of French fascism, the journey toward another self began at age fifteen, when she first heard herself correctly pronounce the French "r." Speaking a foreign language was a kind of sensual transport that was also, as Kaplan puts it, a way of "leaving home."

In college, Kaplan's love for things French coaxed her still further from home. At the University of California at Berkeley and on a junior year abroad at the University of Bordeaux, she discovered an affinity for the writer Louis-Ferdinand Céline, whose jazzy, hopped-up prose had, in her estimation, "liberated the French language." But her passion for Céline put Kaplan in a peculiar position. She is Jewish and the daughter of a prosecutor at the Nuremberg war crimes trials; Céline was a vicious anti-Semite who fled France after the war in fear for his life.

As a graduate student in Yale's French department in the 1970s, Kaplan decided to write her dissertation on French intellectuals who had collaborated with the Nazis. It was another contrarian choice. Yale in those years was dominated by deconstruction, and Fascist manifestos weren't considered part of the literary canon; besides, they'd emerged out of the mess of politics and polemic that Kaplan's teacher Paul De Man was so relieved to have left behind when he came to America and emerged into the purer air of high theory.

Kaplan never spoke to De Man about fascism, assuming he wouldn't be interested, and it wasn't until after his death in 1984 that his own writings for the pro-Nazi Belgian newspaper *Le Soir* came to light. Suddenly, Kaplan seemed prescient, a deconstructionist who had somehow known to give history its due. History and the pull of one's own past.

French Lessons, Kaplan's forthcoming memoir, examines the way personal history feeds scholarly obsession. It is an intimate account of Kaplan's intellectual coming of age, an experiment in autobiography composed for the Duke University writing group in which she, along with English professors Cathy Davidson, Jane Tompkins, and Marianna Torgovnick, tried out subjective approaches to academic prose.

In the following excerpt, Kaplan tells the story of her troubling encounters with one of France's most intransigent Holocaust revisionists, who intuited her longing to be accepted as French—and used it to set her an ethical and psychological snare.

—The Editors

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As an American student in France in the years 1973 and 1974, I had been closed off from the French students who might, in another context, have been my friends. French students with my political affinities were profoundly anti-American because of their opposition to the war in Vietnam. I saw more of their graffiti than I saw of them. It took a certain kind of political conservatism, or some accident of family or class, to open up a twenty-year-old French person to friendships with Americans. Other people my age who spent a year in France report the same experience: It was North Africans who were the friendliest, the most open. Oddly enough, we had a lot in common, the African students who had come to France after decolonization and the Americans who had come to France to get themselves some culture.

The minute I became a professor, everything changed. Those students who had remained strangers to me, hidden in their *grandes écoles* and *facultés*, studying for their exams, writing their theses, had grown up and become my colleagues, friendly and curious now about the research going on in American universities.

I discovered this fact rather startlingly a year after completing my dissertation at Yale and taking my first academic job at North Carolina State University. My new colleagues introduced me to a complex Parisian network of friends, apartment exchanges, and name after name of people to look up on my trips to France. This network, the security of a salary, and the means to travel made me start to think about France as a living library, an enormous proving ground for my thesis.

I would start by making contact with people who had played a role in the political life of the 1930s. But most of the fascist intellectuals I had written about in my dissertation were dead. Drieu la Rochelle, the most decadent of the lot, had committed suicide at the end of World War II; Robert Brasillach, an aesthete-literary critic who had edited the most vicious of the fascist weekly newspapers, was executed for treason in 1945; Céline had died of an aneurysm in 1961. On my first research trip to France as a professional scholar in the summer of 1982, I set out to find the only fascist intellectual discussed in my dissertation who was still alive; his name was Maurice Bardèche and he was the keeper of Brasillach's archives. He had been Brasillach's best friend at the École Normale in Paris and had married Brasillach's sister, Suzanne. At the end of the war, Bardèche, like Brasillach, was arrested. He had been a tenured professor at the University of Lille, and he was stripped of his title. After his brother-in-law was executed, Bardèche went off the deep end. He wrote pamphlets against the Liberation, against the purge of fascists, against the Nuremberg war crimes trials. He denounced the Jews; he doubted the truth of the Holocaust. In the first book he published after the war, *Nuremberg ou la terre promise*, he maintained that the gas chambers were museum pieces set up by the Allies to destroy the German spirit. He helped found the genre now known widely as revisionism or, more accurately, negationism.

Negationism comes in different flavors: fascist, anti-Zionist, American, French. In 1980 the French intellectual world was shaken when a literature professor named Robert Faurisson started publishing revisionist articles. Partly in response to the Faurisson scandal, the French historian Pierre Vidal-Naquet wrote an essay, "A Paper Eichmann," in which he presented a checklist of the basic suppositions that had cropped up in the burgeoning negationist output, including Faurisson's: 1) There was no genocide of Jews or Gypsies in World War II; the instrument symbolizing genocide—the gas chamber—never existed. 2) The "final solution" was only intended as a relocation of Jews to their "home" territory in Eastern Europe. 3) The number of victims of the camps was more like 50,000 than the six million that are claimed. The deaths that did occur were due to the Allied bombings or to "facts of war." 4) Nazi Germany either was not responsible for the outbreak of World War II or shared that responsibility equally with the Jews. 5) The major enemy of humankind in the 1930s and 1940s wasn't Hitler's Germany but Stalin's USSR. 6) Genocide was an invention of Allied propaganda, inspired by Jews and the Zionist agenda; the figure six million is linked to the Jewish propensity for false statistics such as those found in the Talmud.

I wrote to Maurice Bardèche in the spring of 1982 with a queasy stomach, knowing to whom I was writing but ambitious to see him. The heart of darkness wrote back by return mail; of course I was welcome. He would be at his family's vacation house in Canet Plage, near Perpignan. I could take a

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hotel room on the beach.

I stared at Bardèche's friendly letter, full of the warm formulas that French writers trade in with such ease. "Chère Alice Kaplan," it read, in his hand, and I said to myself that my last name was the same as that of the Grand Rabbin, the head rabbi of France. An unmistakably Jewish name. A Jew being welcomed by a fascist. Maybe the labels didn't mean anything anymore? I was going to find out if they did.

On my way to Canet I stopped in Orléans to see a friend of my teacher Linda Orr, Claude Mouchard, a poet and critic who shares her interest in history and revolution and who, Linda told me, would share my interest in the 1930s. We sat in a walled garden in the back of his rambling house.

Our talk soon turned to my intellectual reasons for being in France: the visit with Bardèche. Claude reacted to my announcement coolly, telling me first about Bardèche's edition of Balzac. He laughed about the fact that Bardèche had a fairly decent reputation as a literary critic in spite of his politics.

But then he shifted in his seat. "You know, of course, that his brother-in-law Brasillach and Brasillach's newspaper were responsible for the assassination of Hélène's father."

Hélène, Claude's wife, was in the kitchen.

He filled in the history. Hélène Mouchard was born Hélène Zay; her father was Jean Zay, minister of education in the Popular Front government of the 1930s, who was imprisoned by the Vichy government during the Occupation. He was finally spirited out of prison in 1944 and murdered by a group of men disguised as Resistance fighters; they were part of a thug squad called the "Milice"—a fascist law-and-order gang that scrounged around doing evil in the last years of the war. Brasillach's newspaper *Je suis partout* had called for the death of the Popular Front ministers, and these thugs had taken the call to heart. Now as I sat in the garden I remembered Jean Zay's name being mentioned in the Vichy propaganda I had pored over, and by Céline, who had made the name into a famous pun: Je vous Zay (for *Je vous hais*—I hate you).

What does it mean for a Jewish intellectual to work on fascism? Is my role that of prosecutor or that of spy?

"Have you thought about what it means to even agree to talk with this man? There has to be an ethics for your interview—you have to formulate an ethics for the situation you're going into. Have you considered it fully?"

A hundred thoughts went through my mind in response to Claude's challenge. Ethics? Does ethics mean my behavior? Does it mean I have to decide how I'm going to react to Bardèche before I've even met him? Am I not allowed to smile? Should I shake his hand? None of these dilemmas had occurred to me before, at least not in any detail; I had been too determined to get the interview in the first place. Maybe that was for the better, I thought. Shouldn't I be open to surprises? Isn't the point that I don't have to have a prepared response, that I should be ready for the accidents of a real conversation? On the other hand, maybe Claude was offering me something with this idea of ethics. A French person couldn't go to see Bardèche the way I was planning to; the visit itself would be a declaration of affinity. In France, the events of the war still seemed to have happened very recently, and this was not the first time I had noticed how raw the subject remained in daily life. Why did my nationality make my situation any different? Was I going to see the equivalent of a Lieutenant William Calley or a Richard Nixon or some old crank revisionist—a French version of the American Holocaust denier Arthur Butz—who happened to have gone to Harvard?

I don't know what I would have said to Claude at that moment if Hélène Mouchard hadn't come into the garden, leaving his question hanging in midair. In a sense I wasn't ready to answer it; I was too young and too eager for my interview and too hungry to learn everything I could about France by observing. But the thought of an ethics stayed in my head that summer, and even now returns periodically to haunt me. What does it mean for a Jewish intellectual to work on fascism? Is my role that of a prosecutor or that of a spy? What produces my energy for this kind of work? What is in it for me?

Claude Mouchard was my guide on a long afternoon walk through Orléans, the city that Joan of Arc had liberated from the English in 1429. Our conversation twisted and turned in a way that was very foreign to me then and has since become one of the rituals of French intellectual life I enjoy most. Claude and I continued to circle back to Bardèche as we talked about the city around us. "What are the ethics of interviewing Bardèche? How can you do it? See this statue of Joan of Arc? It represents a right-wing France, the France of Bardèche. Do you recognize the image of Marianne, symbol of the Republic? She represents the left; she is the symbol of Hélène's family." I will never forget the differences between Joan of Arc and Marianne as I learned them that afternoon. One a boyish, straight-haired innocent warrior; the other lush and wavy-haired and passionate. I was hungry to see the places, the traces of the ideologies referred to in the hundreds of pages of literary

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criticism and history I had read at Yale. Claude was a compelling if didactic guide. I surprised him by what I didn't know. *Il m'a fait la leçon.*

In Canet the morning of my interview I was too restless to stay at my hotel, so I walked around the old part of town until it was time for my lunch date at the Bardèche bungalow. As I walked through the town's marketplace, I saw coming toward me an old man with a big crater in the middle of his forehead and a shopping basket in his hand. I thought, *That guy looks like a war criminal if there ever was one.* A week in France without speaking a word of English, anticipating the meeting, had put me in a melodramatic frame of mind. But when I showed up at Bardèche's bungalow, there he was: the man with a crater in the middle of his forehead.

"Oh, it's you," I said, surprised, and he didn't understand why I seemed to recognize him.

A first scene in a movie, I thought.

The hole in the head came up in conversation; Bardèche referred to it fondly, pointing to himself. He had gotten it as the result of an auto accident in the 1950s. His family teased him, in front of me, that it had worked like a lobotomy, because it had calmed him down from his anger of the postwar purge years, when he had denounced everyone and everything.

What no one in the family said was that he was still angry, but had found other, more devious channels for unleashing his anger on the world. He was extremely subtle. He behaved like a very generous, very distinguished professor, with marvelous stories he was willing to share. I spent three days at that bungalow, interviewing Bardèche in his study. I asked him about his attraction to 1930s fascism, his views about cinema (he had co-authored an important early film history with Brasillach), the purge of collaborators after the war, his career as a belated fascist polemicist. He hadn't been allowed to teach in forty years, he was dying to teach, he missed the amphitheater at the University of Lille, full of students even during the war. There were moments of remarkable human sympathy between us. Weren't we simply two people working together, listening to each other? When he said, laughing, about a specific sentence in one of his books, "That's precisely the genre of absolute sentence I'm in the habit of writing," I laughed back. I wasn't thinking about ethics—I was enjoying his self-mockery.

I ate lunch each day with his extended family. There were children my age who teased me, asking why in the world I wanted to talk to their crazy father; there were grandchildren and au pairs and family friends, all gathered on a vine-covered veranda. Sardines cooked over a grill on grapevine wood. On the third day of the interview, I arrived at the cottage with a contribution to lunch: a plum tart, the biggest I could find at the market.

Bardèche's wife, Suzanne, said, "Robert loved these plums." There was a respectful silence at the table. I understood that she lived with her dead brother every day—he was there at the table.

I had no ethics to guide me. I was listening; maybe I was neutral. I was as young as I would ever be as a French professor, and in my head, my father was there with me, light brown, in his brown suit with his sandy hair. He was giving me advice: "Take it slow, just let him talk. . . . Now, now's the time to step in, give him an opening."

My father was running his hand through his hair the way I do, feeling for his thoughts: "If you let him keep talking you'll learn something new." I saw my father when he was my age, when he was serving as a prosecutor at the Nuremberg trials, the young man with the intense gaze captured in the framed newspaper clipping I remembered from a Czech newsmagazine. He had headphones on to hear the testimony. He was listening, he was intensely focused, but I couldn't tell what he thought.

So on we went, Bardèche and I, in our game. I didn't talk about being Jewish—I didn't want to give him an opening. Nor did I fight with him, about fascism or anything else. I knew his line. I didn't want to raise our passions, when there was no hope of my changing his views nor any danger that his views could win out. He was a museum piece; I was the curator. He, in turn, was delicate with me, dancing only on the edge of his Holocaust revisionism by referring obliquely to free speech—and how Americans know well enough to protect it.

He was working as hard as he could to get me to like him. He told me a long, pathetic story about his attraction to the Jewish quarter in Paris, wandering outside the temple after Sabbath services in the Fifties—when he was reviled throughout all of France as an anti-Semite. But what he was doing was admiring the Jewish girls with their freckles—not pretty, necessarily, but so appealing! He wasn't going to let me get any closer to his anti-Semitism than this bit of philo-Semitism, but it was close enough. My tape recorder whirred away in the background, and I rubbed my freckled nose

Bardèche told me a long, pathetic story about his attraction to the Jewish quarter in Paris—at a time when he was reviled throughout France as an anti-Semite.

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in nervous excitement. As the afternoon sun shone through the windows onto his walls of books and his papers, I saw myself in his study as a professor doing important historical fieldwork; through the passing of time together and the growing familiarity of our conversation, Bardèche had ceased to be the person whose most deeply felt ideas horrified me.

When I think about that summer in France, my first summer as a professor, I see the Mouchard and Bardèche families sitting on benches, facing each other, introducing me to intellectual life in the country I had chosen to study. I see the righteousness of the Mouchards and the seductive charm of the Bardèches. I see the body of Robert Brasillach, hanging from the execution post in 1945, and I see the body of Jean Zay, rotting in a ditch. I see my father, sitting at the Nuremberg trials with his earphones on, listening, but telling me nothing.

When I got back from France in September I transcribed my most interesting conversations with Bardèche. I sat at my desk with headphones on and listened to my voice—the innocent sound of it in French and the "hmm-mms" I produced, like an analyst, when I didn't like what Bardèche was saying but didn't want to cut him off. With Linda Orr, I talked through my introduction to the interview, line by line, thought by thought. She challenged me, differently than her friend Claude had done, by urging me to put into writing the contradictions and challenges of the situation—not to make it too "clean" or resolved. It was Linda who helped me understand, when I was most agonized about what to say, that writing isn't a straight line but a process where you have to get into trouble to get anywhere. Because I was disturbed, it was better writing than any I had done before.

My interview with Maurice Bardèche appeared as an article and as the last chapter of my book on fascism, both with Bardèche's permission. He was an impeccable collaborator, had for years published his own journal—a raving extremist journal, but a journal nonetheless—and was extremely comfortable with the rituals of proofreading and giving permissions. His correspondence with my editors was punctual and clear.

In November 1985, as my book was going to press, my working relationship with Bardèche having come to a tidy end, I received a four-page handwritten letter from him with this cover note attached: "Dear Alice Kaplan, I hesitate to send you this letter that is attached to this note. I am afraid that it might cause you pain. Remember, even if it irritates you, that I have much sympathy for you and much confidence in you. That is why I've written it. You must not be afraid of the truth of others; you must try to understand."

Is it too banal, too obvious, to point out that going to interview Bardèche had put me in a daughterly role? I had sought out the relationship; he had welcomed it. Now he was going to get back at me for what he had given.

I had sought out the relationship; now he was going to get back at me for what he had given.

The anger and disgust he had hidden so successfully was right there for me to see in the pages that followed his note, beginning with his frustration about all that we hadn't said at Canet Plage. He was setting out to haunt me, and to block me from thinking back on him with any peace of mind: "You see, dear Alice Kaplan, how right you are in your reflections on the interview. It's worse than you think. Because, after the interview, there are letters. Not only is the monster not as monstrous as you thought, but he speaks. Not only does he speak, but he takes his tools out of his toolbox like an electrician who is going to do repairs. It's hideous."

He referred to me as an "anthropologist of anti-Semitism" and to himself as the "Negro." Like all American professors, he claimed, I believed that the Frenchmen who lived through the Occupation were "Negroes," who thought and felt like "Negroes," with brains and sensibilities absolutely foreign to those of a good American. He was going to give me some indications about the "Negro"—about him—that might be useful to me:

- First, no French intellectual knew about the existence of the concentration camps.
- Jews died because of Allied bombings, because of disease; that was not the fault of the Nazis.
- Painful as it is to acknowledge, there can be, and was, extermination without the will to exterminate. "Pas de volonté d'extermination": no will to exterminate.

Bardèche was offering me, a Jew, the Holocaust without guilt. "The Jews just died like flies," he said. "How I hesitate to cause you pain." He insisted on the "martyrdom" of all his negationist comrades, like Robert Faurisson, who were being punished for announcing the truth, as he had been when he published *Nuremberg ou la terre promise.* He punctuated his letter with the ghoulish form of address "Chère Alice Kaplan," as though repeating my name over and over made his sentences carry further, because they were addressed to a Jew.

The horrible gist of it, as far as I was concerned, was not that he had written a negationist polemic—he had written many of those and the details of this one came as no surprise to me—but that he

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I kept remembering the day I violated the privacy of my dead father's desk and found the evidence from Nuremberg.

would address his revisionism directly to me, fashioning it, personalizing it, as a result of the complicity we had established in our interview.

In the final flourish to his letter, he let me know he understood a thing or two about me, about my desire to be accepted in France and my need for camouflage: "If once again you get the chance to be French for a little while, come see us."

When Bardèche's letter came I traveled quickly back to that day when I was eight, so powerful in my imagination that I often think it the basis of my entire sense of history, when I violated the privacy of my dead father's desk drawers and found the evidence from Nuremberg: photographs. Evoking those pictures with my eight-year-old self-consciousness, the horror came back, the horror of being too young to live with this much horror, too young to have a dead father. Then, returning to my adulthood, I measured my father's absence again, its twenty-year duration. My father hadn't been there to explain the photos of Auschwitz; he wasn't there to tell me how to reply to Bardèche either. I understood how much I owed to his death; his absence was a force field within which I had become an intellectual; his image, silent and distant with headphones over his ears, a founding image for my own work. Headphones were also an emblem for loneliness and isolation: They transmitted voices, they absorbed testimony, but they had no voice to give back.

I still have a photocopy of my response to Bardèche's letter, as superficial as I could make it—I wasn't going to pour my heart out to someone who had just knifed me—and as beside the point, with only an allusion or two to what I really thought in case he cared to read between the lines:

"As you must imagine, I was struck by your letter, not only by your enormous talent as a propagandist—in spite of the fact and also *because* it is Alice Kaplan that you're going after—but also by everything you say about the 'bad anthropology' of my text. Seeing yourself in black and white, desiccated and reconstructed in the service of a theory of literary fascism, must be annoying and even disagreeable. Please accept, dear Maurice Bardèche, the expression of my cordial salutations and my thanks, once again, for all that you have taught me."

I put my response in the mail; it was the last communication I had with Bardèche. I put his letter in a file marked "Bardèche." I put the file in a storage box. I piled the storage box with several others in a crevice behind a brick chimney in my bedroom. It took me five years to decide to reread the letter and forty-five minutes to dislodge the storage box from its crevice. I had forgotten most of the details: the comparison Bardèche made between himself and "Negroes" (accusing me of exploiting him); the references to Jews dying like flies (implying a submammalian genetic weakness); the phony wish not to hurt me as he was attacking me; the knowing cut in the end about my wanting to be French. I asked Philippe Roussin, a friend and colleague with whom I was working on Céline, to read the letter out loud during one of our dinners so that I could listen to its intonations through his native inflection. He was a good actor: He read the letter like an aged pedagogue, caressingly paternalistic, with a growling, sadistic undertone to his

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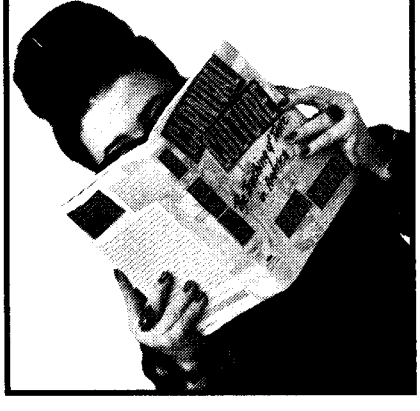

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voice (my image of the professor in Ionesco's *The Lesson*). I put my hand over my mouth, stifled shrieks, laughed in disgust, and shuddered. After he had finished, I grabbed the letter out of his hand and pushed it away from me, dangerously close to a glass of ice water. There was nothing more to say. "Don't get it wet," he said. "You may want to give it to the Center for Jewish Documentation in Paris . . . it's a classic racist document."

I've rewritten the story of my first research trip to France several times, with slightly different emphases and different "morals"—from empathy to vengeance—based on the same structure. Mouchard and Bardèche are polar opposites, Marianne and Joan of Arc. Mouchard/Marianne is rigid, didactic, judgmental, or else a beacon of intellectual virtues who doesn't hesitate to challenge the views of a young colleague whose project he takes seriously—and personally. Bardèche/Joan of Arc is, in turn, sadistic, psychotic, manipulative, powerless, or cannily silent. My father is always in the wings.

Bardèche's letter almost succeeded in its goal: I hid it because I dreaded rereading it, or writing about it. Since retrieving it, however, I've rewritten the story again, making him more evil, more monstrous, conforming to the portrait he paints of himself: "The monster speaks! It's hideous." His avuncular charm has faded.

The opposing players in my drama, the Mouchards and the Bardèches, have only one trait in common: They both survived losses brought on by World War II. 1945, 1945: Why does it feel so close, why am I still fighting the battles of another time and place as though they were mine? What do I have in common with those families? In a dream sequence in my imaginary movie about my trip to Canet, I run back to Bardèche's study and challenge him; tell him I despise him, that he is lying, that he can't face the truth of his own guilt. I refuse to eat with his family, out of ethics. I put on my headphones, and this time I put him on the stand. LF

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ISSUE 100
FALL 1993

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FRAUD BUSTERS

The rise and spectacular fall of Walter Stewart and Ned Feder, SMI (Scientific Misconduct Investigators)

by Gary Taubes

IT WAS ONLY *AFTER* WALTER STEWART EMBARKED ON HIS hunger strike that he began to grasp the principle involved. It was May 21, day twelve of the strike, and Stewart was sitting on a couch in the suburban Maryland home of his partner, Ned Feder. Stewart's hair was disheveled, his skin a less-than-healthy shade of yellow. "We started out with the idea that I'd do it for its appeal-to-the-conscience effect," he explained, "and if it didn't sell to the press, and I got hungry or something, I'd just drop it." Instead, he made the inconvenient discovery that, having begun the fast, he was expected to emerge victorious or dead. Otherwise, he said, "you've dishonored yourself and your cause."

The fast was a final bravura gesture, Stewart elaborated, a "desperate attempt to do something we couldn't do in any other way." Stewart and Feder are perhaps the two most famous fraud investigators in the history of American science, self-appointed ethics cops who, from a windowless basement office in the National Institutes of Health, helped bring down a Nobel Prize–winning Rockefeller University president, immunologist David Baltimore, for his role in what amounted to a cover-up of falsified research data. But two years after that coup, Stewart and Feder had just been—in Stewart's words—"sacked."

Actually, they'd been reassigned: taken off the NIH fraud beat, their two-man office shut down, Feder ordered to oversee grant applications, Stewart to study hemoglobin. They had fought the reassignment for a month, sending letters to NIH administrators and fellow scientists. But their colleagues had responded with few letters of support and almost no laudatory statements to the press. If anything, they seemed glad to see the two men go.

Finally, Stewart decided that, until the NIH allowed them back into their office, he would live on water, electrolytes, and Sudafed (a medication he takes for his allergies). Feder would not fast, Stewart said, because his age—sixty-five—and poor health made him a "shorter term prospect." (Stewart is forty-eight.)

On day eleven of the fast, Stewart succumbed to his first moments of debilitating weakness—"a disorientation or unplugging of all the various body rhythms," as he described it. He was experiencing the effects of sodium depletion, a condition easily cured by a dose of bicarbonate of soda. The following day, Stewart felt "good as new" but was anxious to reiterate the seriousness of his protest. "It's quite possible," he said gravely, "that someone will end up dead."

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FRAUD BUSTERS

That threat, in all its bluster and swag, was quintessential Stewart—which may have been why the NIH was having such a hard time giving in to it. Over the ten years that Stewart and Feder have played biomedical Lone Rangers, Stewart has developed a certain reputation for, shall we say, rhetorical excess. In a line of work as delicate as investigating one's colleagues, even ordinary directness can offend, but Stewart takes histrionics to extremes. Even friends cringe when they recall the time he told a roomful of distinguished biologists—many of them Jewish—that the forces arrayed against whistle-blowers in science could be compared to the forces that led to the Holocaust.

Not surprisingly, Stewart's outrageousness has only been moderately successful in accomplishing Stewart's goals; it has been considerably more effective at undermining his credibility and justifying the skepticism of his critics. He and Feder may be partly responsible for a whole slew of improvements in the way the government handles scientific malfeasance—among them congressional hearings, new whistle-blower laws, protocols for addressing misconduct allegations, ethics courses for graduate students working with federal grants, and even the founding of a Public Health Service Office of Research Integrity, with a staff of 55 and a yearly funding of $6 million. But with astonishing frequency, scientists have come up with the same allusion in their attempts to describe Stewart: Think, they say, of Savonarola, the fifteenth-century Florentine friar who believed in redeeming the sinful by putting them to the torch. (Not lost on those who make the analogy is Savonarola's fate: He was excommunicated, tortured, and burned at the stake.)

"There's so much about [Stewart and Feder] that's solid, but sometimes they haven't got the judgment that God gave geese," says C. K. Gunsalus, an associate vice chancellor for research at the University of Illinois, who has consulted with the two men in several misconduct cases. Drummond Rennie, professor of medicine at the University of California at San Francisco and an editor at the *Journal of the American Medical Association*, agrees. "They were fundamentally right," he says, "but they were giving rightness a bad name."

PHOTO BY AP/WIDE WORLD

BOTH STEWART AND FEDER'S FAME and their notoriety derive from two incidents. The first took place in 1983, when the two men were unknown researchers studying neuronal connections in primitive animals—a project that required them to inbreed snails for twenty generations, a period of four to five years. John Darsee, a researcher who had worked at the medical schools of both Harvard and Emory, had admitted to one case of fraud and, following an NIH investigation, was found guilty of deliberately falsifying data in almost all 109 of his research publications. Bored with the leisurely pace of their own research, Stewart and Feder set about answering one of the Dorsee case's most puzzling unanswered questions: How could data have been falsified in more than a hundred papers, with forty-seven co-authors between them, and nobody have noticed? They compared the papers with the co-authors' testimony and concluded that quite a few of the forty-seven had engaged in what Stewart and Feder called "practices with an apparent lack of candor. In plain English, it looked as if they lied."

It took Stewart and Feder three years to find anyone who would publish their analysis; one lecturer on scientific misconduct, privy to an early draft, characterized it, politely, as "intemperate." The co-authors' lawyers threatened to sue any journal editor who ran it. The journal *Nature* finally published the article, but only after Stewart and Feder brought their troubles before the House Subcommittee on Civil and Constitutional Rights and personally mailed copies of their work to 2,000 members of the National Academy of Sciences and to *The New York Times,* which did an article on the case.

Their analysis exposed a dubious but widespread practice that Stewart and Feder christened "honorary authorship"—listing among the authors of an article researchers who had played no role in the work. It also advanced the seemingly unobjectionable thesis that researchers should be held accountable for the integrity of papers published under their names. In an editorial, John Maddox, the editor of *Nature,*

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deemed that view worth heeding. But he also gave a taste of criticisms to come when he took Stewart and Feder to task: The identification of an error, he wrote reprovingly, ought not be followed "by the assertion that the perpetrator is a rogue, let alone by speculation about the motives that have engendered this condition."

The second incident has become known to the science news–reading public as the Baltimore case. In 1986, Margot O'Toole, a researcher at MIT, concluded that a paper published in the prestigious journal *Cell* and co-authored by David Baltimore (which announced a remarkable discovery about the workings of the immune system) appeared to be based on data that was misrepresented, if not fabricated. O'Toole discussed her concerns with faculty and administrators at MIT and Tufts (Baltimore was at MIT; his colleague and the article's principal author, Thereza Imanishi-Kari, was about to move from MIT to Tufts). The two schools conducted quick investigations, finding neither evidence of fraud nor reason to ask the co-authors to publish a correction. O'Toole lost her job.

The story might have ended there, had not a former member of the laboratory staff at MIT called Stewart and Feder and asked them to look into the case. They did; then they wrote an analysis of the *Cell* paper, detailing its "serious misrepresentation of scientific fact." They also notified John Dingell (Dem., Mich.) and the Congressional Subcommittee on Oversight and Investigations. Once again it took years (five, to be exact) to get their analysis published (once again, in *Nature*). But in the meantime, Dingell's committee held four hearings, ordered key lab notebooks sent to the Secret Service for forensic examination, and leaned on the NIH to undertake a thorough investigation. Baltimore counterattacked with a nearly successful public-relations blitz that accused Dingell of waging a political war against science. Many scientists, alarmed by the public scrutiny to which lab work was being subjected, agreed with Baltimore.

In March 1991, a draft report of the NIH investigation was leaked to the press. The report stated that experiments reported in the *Cell* paper had apparently been misrepresented. Baltimore, who in 1990 had become the president of Rockefeller University, was chastised for failing to examine the research critically, both before and after the paper was published; for continuing to defend the paper, even after its errors became obvious; and for attacking its critics, including O'Toole, even after the investigation revealed that her objections had been well-founded.

"They were fundamentally right," says one of Stewart and Feder's allies. "But they were giving rightness a bad name."

The Baltimore case was the high water mark of Stewart and Feder's career: They'd helped force a university president out of office, and they'd shamed the scientific research community out of its complacency. In a letter to *Nature,* Paul Doty, a renowned Harvard biochemist, wrote that Baltimore's conduct "stands in deep contrast to the traditional view that authors of scientific papers have a special obligation to be responsive to criticism and to test their work from every possible angle—to pursue the truth relentlessly." Doty had arrived at this conclusion, he added, after slogging through the thousand pages of congressional testimony and the NIH draft report. This required an investment of time many scientists would be unwilling to make, but unless they did so, he argued, "the community's reaction to this important case will be indecisive, dictated by personal affiliations and superficial understanding."

STEWART AND FEDER'S TWO BRIEF sojourns in the public arena, however, also brought out the most counterproductive aspect of their personalities: an inability to resist playing the provocateurs. Stewart, in particular, had a hard time restraining his inquisitorial glee. One week after testifying before the congressional committee, for example, he rhapsodized in *The New York Times* about the great time he and Feder were having: "We've found out so many things we wouldn't have expected to find. It's really a lot of fun. We wake up every single morning and wonder what's going to happen today."

Then there was Stewart's Holocaust remark. "It was a dreadful thing to say under any circumstances," says Drummond Rennie, who was in the room at the time, "particularly dreadful considering who the people were in the audience. There was a complete uproar, with people yelling and shouting, all of which [Stewart] deserved." (Stewart later explained that he had in mind Edmund Burke's words: "The only thing necessary for the triumph of evil is for good men to do nothing.")

On the other hand, Stewart might have learned to hold his tongue had not those supposed to serve as watchdogs within the scientific community proved so ineffectual. Harvard, for instance, had investigated John Darsee's work twice before the NIH made its inquiry. One report—written by some of Darsee's co-authors—found that no fraud had been committed, other than the single incident Darsee had already confessed to; another, by several distinguished researchers, claimed that fraud had only occurred in the work Darsee had done at Emory. But *all* of Darsee's research, it was eventually shown, was fraudulent. Likewise, in the Baltimore case, an earlier NIH investigation found that the authors of the *Cell* paper had reported on the results of an experiment that had never been conducted—but refused to call this misconduct. The investigators then thanked the *Cell* paper co-authors for their cooperation—but neglected to include a sentence thanking O'Toole.

Stewart's weapon against such institutional failure of will was to discuss the cases with uneuphemistic clarity, then let the NIH administration flounder foolishly in its attempts to contain him. After the draft report on the Baltimore case was leaked to the press, for instance, Stewart scheduled a talk at an

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annual American Chemical Society meeting. He entitled it "The Baltimore Fiasco: A Case Study in Fraud"; his abstract described the speech as "a case of fraud and the notorious attempt to cover it up involving some of the most prestigious universities in the country." The NIH promptly canceled Stewart's engagement, explaining that employees were not permitted to discuss publicly any case still under investigation. A week later the NIH relented, but only after Stewart had renamed his talk "The Importance of Open Discussion of Scientific Misconduct." Six months later, Stewart was back to "The Baltimore Fiasco," and when NIH officials suggested he desist or again revise the title, Stewart came up with "The Baltimore Triumph: New Horizons in Integrity."

The press abetted Stewart in his P.R. strategy by depicting him and Feder as the science sheriffs come to clean up a lawless town. And when, in the middle of the congressional hearings, Dingell had the two men transferred from the NIH to his subcommittee staff, it looked as though they had completely gone over to the other side.

Stewart's high public profile may also have contributed to the widespread belief—still held by quite a few scientists, including Harold Varmus, the recently appointed head of the NIH—that David Baltimore was the victim of a witch-hunt conducted, as Dan Greenberg, the publisher of the influential newsletter *Science and Government Report* and strong supporter of Stewart and Feder, once sardonically put it, by "scientific pygmies and their political friends."

Of the two scientists, it's Stewart who does most of the exasperating and virtually all of the fraud-busting. Feder is the silent partner and the more conventional of the pair. A graduate of Harvard College and Harvard Medical School, he spent ten years teaching biology at his alma mater; when he didn't get tenure, he took a job at the NIH. With his patrician air and thoughtful demeanor, he comes across as the archetypal sidekick. "Ned doesn't talk and Walter doesn't listen," is how one science journalist describes the team. Feder says his job is keeping the operation running while Stewart thinks, works at the computer, or talks on the phone.

Stewart has the unnerving habit of whistling to himself while waiting for someone to finish a question.

Stewart is arguably the brilliant one. After graduating summa cum laude from Harvard in physics, he received a prestigious Junior Fellowship, which allowed him to pursue his doctorate without the usual course requirements. With Harvard supporting him, Stewart did one year of research at Rockefeller University, then joined Feder at the NIH in 1968 after President Nixon revoked the draft exemption for graduate students. Stewart never received his Ph.D., which makes him "Mr." Stewart to Feder's "Dr."

Stewart says he starts out every investigation by memorizing much of the evidence. He is a man of manic enthusiasms, with a conversational style that John Maddox of *Nature* describes as employing "only exclamation marks for punctuation." Stewart's stories usually begin, "It's the most extraordinary thing!" Then he'll explain how he came to crack a particular case: "So I'm flying out there. I'm reading over the notebooks, and I all of a sudden discover what's perfectly clear, but very cleverly coded. . . !" He is less charming, however, when anyone else is doing the talking, and has an unnerving habit of whistling to himself while waiting for someone to finish a question.

Those foolish enough to argue with Stewart quickly come to regret it. "When you question them," says Drummond Rennie, who counts himself among Stewart and Feder's well-wishers, "it's twisted round against you, to make you feel that you're somehow for misconduct and for bullying and against whistle-blowers and so on." To his friends, Stewart's fatal flaw is that, brilliant though he may be, he's not as brilliant as he thinks he is. "Walter is just so damned sure he's right," says Suzanne Hadley, who ran the NIH investigation of Imanishi-Kari and Baltimore. "That, and being very, very bright and able to outtalk most people, cuts him off from what he needs most, which is good, sensible counsel."

Stewart and Feder see the outcry against them as confirmation of a basic rule. When allegations of misconduct are made, says Stewart, "everybody lines up against the evidence, and against the person bringing forward the evidence." A typical victim of this quirk of institutional behavior was O'Toole; another, less famous, one was Robert Sprague, a psychopharmacologist at the University of Illinois. In 1983 Sprague wrote to the National Institute of Mental Health with details—a "smoking gun," as he put it—of grave misconduct. It involved Stephen Breuning, a researcher at the University of Pittsburgh, who had falsified research findings on psychotropic medication for the mentally retarded. In 1986 Sprague went to Stewart and Feder, who, in turn, sent him to Dan Greenberg; he publicized the case and forced the NIMH to act. The NIMH investigation took over three years, and eventually proved Sprague right. Sprague, however, lost his funding.

Stewart and Feder say that over the years they have heard from scores, if not hundreds, of researchers who believed they had witnessed fraud but were afraid to report it, and others who had made allegations of fraud and wished they hadn't. (C. K. Gunsalus, at the University of Illinois, recently compiled a list of science fraud investigations that the press had reported as being mishandled. A pre-

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liminary count came to twenty-five.)

Stewart and Feder eventually found themselves running what their friends called "whistle-blower central." When whistle-blowers contacted them, the two men would provide everything from an analysis of the data to sympathy and understanding to the name and phone number of a journalist who might be willing to publicize the case and embarrass the institution involved. When the two men were reassigned at the NIH, many of the letters written in their support came from users of their whistle-blower service. "I am one of many whistle-blowers who, crushed by a cover-up, turned to Stewart and Feder for advice. . . . " wrote one. "I can personally attest that Feder and Stewart helped me greatly during my long and traumatic struggle to bring a noted scientific fraud to justice. . . . " wrote another.

One of their cases concerned a patent infringement that involved the University of Wisconsin and Hector DeLuca, a professor of biochemistry. It earned Stewart and Feder one of their most powerful enemies to date: Donna Shalala, Secretary of Health and Human Services. In 1985, DeLuca was accused of passing off as his own discovery a synthesis of a medically important vitamin D derivative. After analyzing the evidence, Stewart drafted a seventy-page affidavit, that, he says, "pinpointed the fraud and all the subsequent lies used to cover up the fraud." Although the case was settled out of court, the university proceeded with an investigation that cleared DeLuca of charges of misconduct. The NIH disagreed with the finding, but when the university and its then chancellor, Shalala, refused to hand over the lab books needed as definitive proof of wrongdoing, the NIH was forced to terminate its case. Nonetheless, Stewart continued to publicly accuse DeLuca of fraud, and university officials continued to complain that Stewart's comments were "highly inappropriate."

ON DAY TWENTY-TWO OF THE hunger strike, Stewart was in a typically buoyant mood. As for his health, he said, he was doing well, but his thyroid had been shutting down, and he was cold all the time. He also said he'd consulted an expert on fasting, who had informed him that although hunger strikers usually survive forty to sixty days, they occasionally drop dead sooner. The hunger strike had received some press, but the NIH was officially standing firm. In a public statement, NIH officials reiterated that Stewart and Feder had simply not been doing their jobs.

But what were their jobs, exactly? In 1990, seven years after Stewart and Feder essentially stopped doing biomedical research and started fraud-busting, NIH administrators finally accepted the inevitable and rewrote their job descriptions to include the study of "professional practices among scientists, professional misconduct, and the accuracy of the scientific literature." Stewart's vision of their duties, when his anger is aroused, has more of the Savonarola spin to it: " . . . to take liars," says Stewart, "one at a time, and expose them, and have public opinion disapprove of them."

In April 1991, William Raub, then acting director of the NIH, explained in *Nature* that the institutes tolerated Stewart and Feder because the NIH was interested in pushing "the intellectual-freedom envelope." But he also issued an implicit warning. "If they can achieve a standard of scholarship in their work," Raub added, "by giving it an evenhanded treatment using established data and no editorializing or ad hominem attacks—that would be uncomfortable but acceptable. . . . It would bother me if I thought they were playing 'amateur investigator.'"

As it turns out, the very same issue of *Nature* also introduced the device that would lead Stewart and Feder into the most amateurish of all possible investigations. It was a computer-driven, scanner-fed coincidence detector known as the plagiarism machine: "if Orwell had a MacIntosh," as *Nature* put it. Stewart had come up with the idea for the machine after he found himself bested by a young whistle-blower who could spot instances of plagiarism faster than he could. He spent eighteen months programming a MacIntosh and a scanner to automate the "brutal tedium of manual analysis" required to investigate textual theft. The device could take a hundred books

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worth of prose and compare strings of thirty characters in search of coincidences. It could do this in four hours, not including the time it took to rip the spines off a hundred books so the pages could be fed automatically through the scanner. The machine also gave Stewart and Feder a way to run the ultimate fraud test: a random audit of scientific papers, the only procedure that might yield reliable figures on the prevalence of misconduct in science.

The fraud-busters were about to embark on their grand project, feeding thousands of pages of scientific papers and text books through the machine, when they got sidetracked by Michael Burlingame, a Connecticut College historian. Burlingame asked them to examine the work of Stephen Oates, a historian and popular biographer of Abraham Lincoln. The American Historical Association had already looked into a plagiarism charge against Oates, concluding that his Lincoln biography was "derivative to a degree requiring greater acknowledgment." But the AHA failed to call this plagiarism, which Stewart and Feder considered a whitewash. Moreover, Oates had responded to his critics with legal threats—exactly the kind of bullying that fuels Stewart and Feder's righteous indignation.

Burlingame supplied Stewart and Feder with instances of the alleged misdeeds. "We look at these examples," says Stewart, "and there's no question in our mind. On the one hand [Oates] is a plagiarist for sure; on the other hand, he's sliced stuff up very fine. He's taking small amounts verbatim, doing lots of copying, but most of it he's changed around some. It occurs to us that this is a fantastic calibration test for our machine."

Stewart and Feder mailed their findings to Oates, using NIH letterhead and at NIH expense. When Oates chose not to reply, they did what had worked so well before: They mailed their findings to other historians and to the AHA. In a letter they sent to the AHA, they explained that the MacIntosh had identified so many incidences of plagiarism, "we felt we had a professional obligation to set aside briefly our work to formulate this complaint." They also sent a packet to *The New York Times*. They wanted to ensure, says Stewart, "that [the AHA] didn't just toss it in the trash."

On March 29, 1993, *The New York Times* published an article by Philip Hilts about the study. Two days later, Oates publicly responded to the challenge, claiming that the sole case to be made against him for plagiarism was that he had neglected to put quotation marks around phrases like "Lincoln put his hands on Stanton's shoulders" and ". . . with ham hocks and bacon drippings." This sort of repetition, he wrote, was not just the norm in historical biography but actually unavoidable: "If such examples amount to plagiarism, then every work of biography and history published thus far would be vulnerable to the charge."

Stewart's vision of their duties has the Savonarola spin to it: "to take liars, one at a time, and expose them."

For once in Stewart and Feder's career, there was little they could say. As Oates pointed out, they had run no other historical biographies through their machine; they had done no controlled studies and thus had no way to know what the norm for unacknowledged citation might be.

By April 9, Oates had managed to do what no accused scientist had been able to do: He got the fraud-busters shut down. One of Oates's first letters had gone to Senator Paul Simon, an Illinois Democrat and a fellow Lincoln biographer. Oates told Simon he first heard about Stewart and Feder's work when Hilts called him; then he received "a 1,400 page document by Federal Express from the NIH . . . under Stewart's and Feder's names." Simon, in turn, wrote to Dr. Bernadine Healy, who was then the director of the NIH.

Stewart admits he had no idea what would happen when they dropped their plagiarism bomb on Oates. "I anticipated that this was a totally routine case because our evidence was so solid and so clear," he says. "It was totally unexpected." Adds Feder, "We didn't anticipate this total firestorm." Continues Stewart, "We thought Oates might do his usual blustering, but we had no idea he could get us fired so easily."

This time, most of their allies deserted them. Paul Doty, for instance, says he parted company with the two on the plagiarism machine, "simply because I think plagiarism in science involves theft of ideas and data, not of phrases." And Drummond Rennie points out that the scientific way to have handled the issue would have been to establish in advance what constituted a sufficient string of coincidental words to be called plagiarism "and make it pretty generous." Then they'd have had to have gotten a group of historians to agree. Then they'd have needed to do a scientific study, and only then could they have published it.

In any case, Stewart told the reporters who called that Oates was not the "true reason" for their reassignment; it was a payback, he insisted, for the DeLuca patent-infringement case. But the NIH maintained that the decision to reassign had been made by Stewart and Feder's immediate supervisor, L. Earl Laurence, and not by Bernadine Healy or even Donna Shalala. Indeed, Shalala's involvement would have seemed almost superfluous. Even before Shalala's HHS appointment there were rumors that the NIH administration was looking, as one NIH investigator puts it, "to come down on these guys." Stewart and Feder themselves say Laurence told them "that a number of unnamed officials wanted us fired, and that other unnamed officials wanted us investigated and then fired."

Laurence, however, explained that

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Stewart and Feder's work had moved beyond the mission of the National Institute of Diabetes and Digestive and Kidney Diseases, which was, technically, their employer. "At a time when this Institute's personnel resources are limited," he wrote, "it is essential that I take action to assure that they are focused on our numerous high-priority responsibilities for the conduct and support of biomedical research on the diseases within our mission."

Laurence added that Stewart and Feder, in any case, had become redundant. In May 1992, the Public Health Service—of which the NIH are a branch—had established the Office of Research Integrity. The ORI, with its dozen investigative specialists, looks into allegations of scientific misconduct in all PHS-supported research. It also reviews all university investigations and does its own detective work if it disagrees with a university's handling of a case.

Stewart, Feder, and their supporters strongly disagreed with the notion that they overlapped with ORI. And indeed, although it has now successfully overseen and closed fourteen misconduct cases, the ORI does not really offer the aid, comfort, and expertise to whistleblowers that Stewart and Feder once did. Furthermore, university and project officials have reason to be wary. "The ORI is not there to help you when you have a problem with an investigation," says C. K. Gunsalus. "It's a very dicy thing, calling up the ORI and saying we need help analyzing this, when they're the people that are going to review you when you're done."

BY DAY TWENTY-FIVE, STEWART WAS reduced to lying listlessly on Feder's couch. He had been suffering moments of irrationality. Feder answered the phone and did most of the talking.

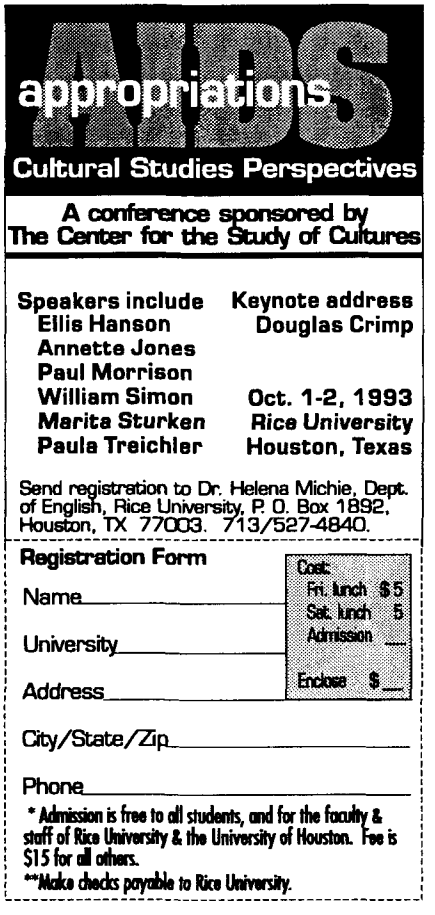
On day thirty-three, thirty pounds lighter, his blood pressure down forty points, Stewart was told by his doctor that he was in serious danger of heart failure and death. End of fast. He told reporters that his wife and four children had accepted the idea of a fast, but balked at the proposition that he die doing it. Stewart considered the fast a victory, claiming that a half-dozen members of Congress—although not, noticeably, his former ally John Dingell—had pledged their support. The two men also received encouragement from powerful members of the scientific establishment, including Linus Pauling. Feder claimed the NIH had taken "hammer blows" in the press over their reassignment and the hunger strike.

The NIH, however, had yet to accede to Stewart and Feder's demand, and appeared unlikely to do so. A week later, Stewart, once again working out of Feder's living room, was complaining of an unsettling new tendency to eat "like a ferret." Now the question was, where should they work? Did they really need the NIH? Some of their friends suggested that they might be better off, as it were, off campus; perhaps some philanthropic foundation would fund them. Stewart took the position that the question wasn't *where* they should work, but whether the NIH would tolerate the kind of work they do. The NIH should fund research into scientific misconduct, they believe, because only by supporting such research can the NIH prove it has "the slightest interest" in the integrity of its science. Stewart and Feder insist they are not investigators; they are scientists, and since they are the only two who do such research, the NIH should continue supporting them. Not everyone follows this logic. As Harriet Rabb, general counsel for Health and Human Services who is negotiating on its behalf with Stewart and Feder, put it in a letter to the fraud-busters' lawyer, "I am having difficulty understanding the difference between what your clients call their research and the investigative function they abjure."

As negotiations dragged into July, Stewart and Feder's lawyer wrote to Rabb, saying that if the two men were allowed to return to their jobs, they would agree to close supervision; would work only on issues of scientific conduct; and would scrupulously avoid any reference to the "guilt or innocence of a scientist whose work they may examine." HHS's response was equivocal: Stewart and Feder were told it was combing the institutes for a place to put them. It doesn't seem to be combing very fast. Meanwhile, Stewart has rejected one suggestion that they work as ORI investigators. He would, he said, "rather drive a truck."

But Stewart remains optimistic. It is the most remarkable thing, he explains, but he and Feder may have finally stumbled onto the true reason for their dismissal. Crazy as it seems, he exclaims, they've uncovered a plagiarism scandal that may involve *their very own superiors* at the NIH! Stewart won't, of course, discuss it on the record, but "in fact," he says, "this would have been our next case. Even as klutzy as we are, we would eventually figure out this has something to do with them. This thing is our ticket back to our lab for sure!" LF

Gary Taubes is the author of Bad Science: The Short Life and Weird Times of Cold Fusion *(Random House, 1993).*



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FEATURE

Author of Her Own Defeat

LANI'S LESSON FOR ACADEMIA

by Kathleen Quinn

It's early March, and as spring's first warm breezes bring a playful mood to Washington, Abigail Thernstrom, adjunct professor of education at Boston University, is dining at the Jefferson Hotel with Clint Bolick, a longtime friend of Clarence Thomas' and co-founder of the Institute for Justice, which is perhaps best pictured as five libertarian lawyers and a Xerox machine on Pennsylvania Avenue. Thernstrom has news for Bolick of a juicy development inside the Beltway: President Clinton plans to nominate Lani Guinier, a University of Pennsylvania law professor and Thernstrom's old sparring partner at academic conferences, to head the Civil Rights Division of the Department of Justice. Surprisingly, Bolick, who served in the Division during the Reagan years and whose present offices sit only a stone's throw from Justice's imposing neoclassical facade, hasn't heard the latest and doesn't know a thing about Guinier. "Clint," begins Thernstrom, "you're going to love her."

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It's a fair bet that more than a few professors spent a sweaty afternoon in their attics this summer, poring over yellowed newspaper articles and hunting for sentences, phrases, and footnotes that could take on quite different meanings if sprinkled out of context onto the pages of *The Wall Street Journal* or recited in an accusatory drone in a cavernous hearing room by an aging senator with a bad hair transplant. It's a fair bet, too, that other politically inclined academics, using vacation time to finish up that long-overdue monograph, occasionally found their fingers frozen at the keyboard while they pondered the consequences of committing to print the unconventional thought that was on their minds.

Such anxiety may be the enduring legacy of Guinier, whose own decontextualized scholarly writing supplied her enemies with all the ammunition they needed to shoot down her high hopes for public service. And it's not only academics dreaming of a federal post who have cause to fret: As the university appointment process increasingly comes under media scrutiny, and even the most forgettable professorial observations can be retrieved in a flash by ill-wishers with a modem on-line to a database, scholarly writings have turned into not just deathless but potentially deadly prose, instant career killers that give a new twist to the phrase "the author of one's own defeat."

When I finally read Guinier's law review articles, the day President Clinton dumped her, I found nothing in them that, taken in context, even remotely resembled the charges hurled at her by the media—that she is out to abolish majority rule, that she is a paranoid who sees white racism behind every ballot box, that she is a "radical," "a hard-left extremist" or "a quota queen." Instead, to my surprise, I found sober reflections on the downsides of winner-take-all politics, an unoriginal analysis of persistent racism in our country, and an almost visionary set of solutions to some of the problems that have bedeviled enforcement of the Voting Rights Act. I have no idea whether Guinier was temperamentally suited to head the Civil Rights Division of the Department of Justice; knowing that would require knowing more about her. But I found nothing in her scholarly writings that was disqualifying.

Nor did I find the articles "poorly written," as *The New York Times* said; "murky," as Thernstrom said; or even "ponderous," as the author herself said, in a fit of apologia. Compared to, say, 250 pages of analytic philosophy or semantic theory, Guinier's prose flows like clear spring water. But I did find that, like most academic writings, they were studded with jargon, some standard, some invented, that readily lends itself to "mischaracterization"—as her most important reader, Bill Clinton, said. Guinier's shorthand discussions of "authentic black representatives" and "proportionality," for instance, must have seemed like manna from heaven to her opponents, who gleefully lifted her phrases out of context to portray her, successfully if unfairly, as an antidemocratic, racial ideologue.

But as Thernstrom, who is a stalwart opponent of Guinier's voting-rights activism, reminded me after Guinier's nomination was yanked: "This wasn't an academic debate. It was a political fight, and politics isn't fair"—except perhaps in the sense that the punches are thrown equally hard by the left and the right. Stephen Carter, of Yale Law School, who has just completed a book on the Senate confirmation process, correctly observes that Guinier suffered the same "reprehensible" treatment accorded Robert Bork in his failed bid to win a Supreme Court seat.

"Scholarship doesn't represent a visceral commitment to a position that will never change," Carter says of the misunderstanding that plagued both nominees. "Scholarship is dialogue—it's part of a conversation." He predicts that so long as the media allows ideologues to "snip bits out of the dialogue and 'freeze' someone into position," other academics looking forward to a stint in public service "will find their imagination and creativity chilled a little bit, because they'll wonder, *How will this affect my chances for confirmation?*"

Lani Guinier

AP/Wide World Photos

After the meteorlike flameout of Guinier, the answer seems, at least in cases of controversy, to be: *beyond redemption.* James Coleman, the Duke University law professor who was asked by the nominee to defend her writings to journalists while she remained silent on orders from the White House, ended up so frustrated by the process that he's concluded today's scholars "would be nuts" to publish original ideas that "could later be used to label you a radical." The worldly-wise Thernstrom shrugs it off as inevitable that scholarly treatises be used to booby-trap presidential appointees. Her two words of advice to quaking academics?

"Grow up."

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LANI'S LESSON FOR ACADEMIA

Or at least wise up. After Guinier had been soundly Borked, her chief nemesis, Bolick, cheerfully informed the *Washington Post*; "In terms of tactics, the playbook was written by the left, and we're playing by rules of the game established over the last twelve years." Ambitious academics who fear someone someday somewhere might take an inordinate interest in their published oeuvre might take a moment to leaf through that playbook.

Acting on the tip from Thernstrom in mid-March, Bolick immediately got hold of the complete works of Guinier—in particular, two long articles, one published in the *Michigan Law Review* in March 1991 and the other in the *University of Virginia Law Review* in 1992, which, according to Coleman, won her tenure at the University of Pennsylvania School of Law. A highly successful litigator with the NAACP Legal Defense and Education Fund who had served in the Carter administration's civil rights division, Guinier criticized the most recent decade of Voting Rights Act enforcement. She could not have picked a subject more likely to make her a lightning rod should she ever hope to return to public service. Or presented ideas about it less likely to escape caricature when taken out of their limited context and used as ripe tomatoes in a political food fight.

Ever since it was amended in 1982, the 1965 Voting Rights Act has been under steady assault from conservatives opposed to affirmative action. The complexly worded 1982 amendments were designed to take broad aim at efforts to maintain white rule in local government by such subtle means as racial gerrymandering, runoff elections, and procedural rule changes in legislative bodies—practices whose effect had been to deny blacks and Hispanics equal opportunity for political participation, not at the ballot box, but in the electoral and legislative processes.

What has proved vexing for nearly everyone—from Senator Orrin Hatch to Guinier to the nine members of the Supreme Court—is that the amendments allow courts to consider, among other factors, "the extent to which members of a protected class have been elected to office" in determining whether the Voting Rights Act is being violated. Although this language has made it easier to root out structural discrimination in certain jurisdictions, it has also encouraged the Department of Justice, courts, and legislatures to carve out oddly shaped electoral districts that give blacks and Hispanics a clear majority at the ballot box—making the election of "members of a protected class" almost a fait accompli.

Conservatives charge that this emphasis on electoral results is leading governments to set quotas, require proportional representation, and Balkanize America with race-conscious districting. In her writings, Guinier also objects to the creation of such districts, but from the standpoint of a voting-rights litigator. These districts leave considerable numbers of minority voters outside their boundaries, she argues, thus further eroding the ability of some minority voters to influence government. Such districts become "safe" for incumbents, who grow unresponsive to their constituents. Such districts depend on segregated housing patterns, pitting the goal of integration against the goal of representation, and give politicians a stake in segregation. Finally, such districts offer few incentives to white legislators to listen to minorities and give minorities fewer means to influence white legislators—all of which leaves blacks and Hispanics with less voice in government.

It was these arguments, familiar to the tiny world of voting rights specialists and arcane to the public at large, that Bolick spent most of this spring studying, underlining, and copiously photocopying. By April 29, the day President Clinton put Guinier's name forward, Bolick says his Institute of Justice was ready "to hit the ground running," one step ahead of the journalistic pack. Having sent at least one hundred fat stacks of Guinier's articles to opinion makers likely, in Bolick's view, to find them uncongenial, he put the spin on the ball with an op-ed article published April 30 in *The Wall Street Journal*, headlined "Clinton's Quota Queens."

Guinier's shorthand discussions of "authentic black representative[s]" and "proportionality" must have seemed like manna from heaven to her opponents.

Bolick informed the *Journal*'s largely conservative readership that the President had taken "a sharp turn to the left" by nominating Guinier to Justice, along with Norma Cantu of the Mexican-American Legal Defense and Education Fund to be assistant secretary of civil rights in the Department of Education. Expending only a paragraph to grouse about Cantu's past advocacy of school busing and her more recent efforts to compel states to fund school districts equally, he used the rest of his limited space to launch a broadside against Guinier's law review articles.

Bolick reduced some 250 densely footnoted pages to some 550 words,

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weaving abbreviated quotes lifted from at least two separate articles into a kind of fantastic flying carpet on which Guinier's public image would ride for the next thirty-five days. Although nowhere in her writings did Guinier advocate setting quotas to enforce the Voting Rights Act, and indeed, she criticized at length head counts of black representatives as a measure of racial progress, when the playbook called for "moving swiftly to frame the debate," Bolick carefully framed Guinier with what he calls "the 'Q' word." It was a knowing choice.

Guinier's shift of focus away from elections themselves to legislative outcomes made her vulnerable to the charge she was a quota "radical."

Of all the wiggle words in the contemporary political lexicon, none wiggles more than "quotas." While the general public understands the word to mean having the government set fixed numerical goals in private sector employment, right-wingers use the word to describe any process whose conscious aim is to achieve a racially inclusive result—provided the process is being conducted by a liberal. Thus, George Bush is not labeled a "quota queen" for nominating Clarence Thomas to replace Thurgood Marshall on the Supreme Court; nor is Louis Freeh when he promises to continue to "diversify" the FBI by hiring blacks, Hispanics, and women in the same impressive numbers as his predecessor, William Webster, did.

In her law review articles, Guinier had outlined a variety of ways unlawful exclusion of minorities from the political process could be remedied. She proposed, for instance, the use of cumulative voting in districts where electoral procedures were found to violate the Voting Rights Act. (In cumulative voting, voters are given a ballot for every open seat in a legislative body; individuals can favor a single candidate with all votes, thus strengthening opportunities for minority representation without redistricting.) In jurisdictions where legislative rules were illegally used to disempower elected minority officials, Guinier explored how the rules could be changed to ensure inclusiveness: requiring more than a simple majority to enact legislation or permitting minority vetoes, as is allowed in Congress.

What Guinier did in her articles was shift the focus of voting rights away from elections themselves to legislative outcomes, and it made her vulnerable to the charge of being a new kind of quota "radical." Reducing to a few short paragraphs her multifaceted arguments, Bolick told readers Guinier would use her power as assistant attorney general for civil rights to replace simple majority rule in America with a "complex racial spoils system." Conceding that her proposals were "amorphous," Bolick nonetheless ended his short piece with a flaming flourish, warning the President that should Cantu and Guinier be confirmed, "the in-your-face civil rights agenda they no doubt will promote may ultimately prove the most incendiary of political miscalculations."

Bolick also issued a general press release to other media organs decrying Guinier's nomination and noting to journalists that "the Institute of Justice can arrange interviews to facilitate your coverage." Although it was a copy editor at the *Journal* who coined the epithet "quota queen," with its slyly racist and sexist evocation of "welfare queen," Bolick did not disavow it, and other journalists relying on his analysis repeated it. *Newsweek* headlined its article about Guinier's confirmation diffi-

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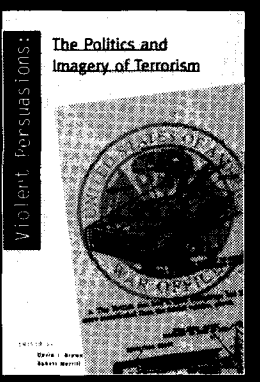

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LANI'S LESSON FOR ACADEMIA

culties "Crowning a 'Quota Queen'?" and reported without attribution that Republican senators would attack the black, female nominee "for trying to fatten the welfare state." It then further abbreviated a quote from Bolick's essay to assert that the would-be civil rights chief "defines health care, job training, and housing as 'basic entitlements' that should come to citizens as a matter of legal right."

Bolick and his cohorts provided not only the initial frame for media views of Guinier but the picture as well.

Lally Weymouth, the daughter of *Washington Post* owner Katherine Graham, quoted Bolick as her authoritative source for an op-ed column. Columnist John Leo of *U.S. World and News Report* quoted Thernstrom, who in turn was awarded considerable space in *The New Republic* to inveigh against the nomination. An unexpected windfall to Guinier's opponents was a series of alarmist articles and editorials in the *Forward*, the New York City-based Jewish weekly. The *Forward*, which headlined its first take on Guinier "Radical Prof May Become Reno Deputy," erroneously reported in a subsequent article that the staidly liberal American Jewish Congress, some of whose staffers had expressed concern about Guinier's writings, was "geared up for open opposition" to her confirmation. But the boo-boo that got the biggest circulation was an article on the Op-Ed page of *The New York Times* by Carol M. Swain charging that Guinier favored segregating black voters into black-majority districts—precisely the opposite of what Guinier had written.

Swain, an assistant professor of politics and public policy at Princeton, had written the article to promote her new book on blacks in Congress well before the controversy over Guinier began. Her original essay made no mention of Guinier, but as the nomination controversy heated up, Op-Ed editors retrieved her article from inventory for overnight publication, asking Swain to add a paragraph about Guinier. Swain, who had not read Guinier's law review articles, was unaware—as were her editors—that in recent years Guinier had revised her view of black-majority districting. Swain supplied the *Times* with the asked-for, yet thoroughly misleading, paragraph, which now topped her essay. When Swain learned of her error, she was mortified. "I did not set out to distort Lani Guinier's positions," she now says ruefully.

Neither did Stuart Taylor Jr., a lawyer and columnist for the small-circulation *Legal Times*, who was anonymously sent Guinier's writings. He passionately disagreed with what he saw as Guinier's bleak view of racial progress in America and determination to seek court-ordered minority vetoes and other modifications of legislative voting procedures. He wrote a lengthy, pungent column in the middle of May denouncing her nomination, which swayed opinion in the Senate. Yet just after Guinier's name had been withdrawn, he confessed he was deeply impressed by the equally passionate defenses of Guinier's ideas made by the columnist Anthony Lewis and the eminent civil rights lawyer William Coleman Jr. in *The New York Times*. "When sophisticated experts acting in good faith cannot come close to agreement about what the writings of a Guinier or a Bork stand for," Taylor wrote in his postmortem in the *Legal Times*, "how is a citizen or a senator or even a president—none of whom are likely to have the ten or twenty hours it takes to wade through Guinier's more than 250 pages of dense articles—to reach an informed judgment?"

As Stephen Carter at Yale observes, it's not necessary for the media to be biased for a scholar to fare poorly when journalists referee a dispute over the meaning of a scholarly treatise. In a ten-inch news article or in the back and forth of a *MacNeil/Lehrer Newshour* debate, "the critic is going to do better than the defender of the argument," Carter notes. "The critic can always say, 'Well, Lani Guinier said, or Robert Bork said, these words—I can find them right here on this page.' The other person, trying to explain the context, begins to sound evasive or weasely."

Poor Guinier never even got the chance to sound weasely. Ordered by the White House to stay away from the media, she was told that all presidential nominees, as a courtesy to the Senate, remained silent until their confirmation hearings began. Unfortunately for nominees, senators rarely return the courtesy, and, most unfortunately for Guinier, they rarely bother to read anything before commenting on it. Instead, they rely on staffers, who in turn rely on lobbyists and activists to feed them pithy remarks. In Guinier's case, those pithy remarks sounded remarkably like what Bolick and Thernstrom had already said.

Hatch, the ranking Republican on the Senate Judiciary Committee, charged with overseeing Guinier's hearing, was clearly quoting Bolick, directly or indirectly, when he called Guinier "an architect of a theory of racial preference that if enacted would push America down the road of racial Balkanization." Alan Simpson, another committee member and the Senate's Republican whip, added that her writings "suggest a kind of racism in reverse." Minority leader Robert Dole, who ten years earlier had praised Guinier in a luncheon address before the NAACP, took time out from organizing a successful minority veto of Clinton's economic stimulus package to tersely pronounce Guinier "a consistent supporter not only of quotas but of vote-rigging schemes that make quotas look mild"—a near-perfect echo of Thernstrom's *New Republic* remarks.

When even Democratic senators began telling reporters they found Guinier's views disturbing and thought the nomination was bound for defeat, the White House finally sniffed smoke

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and moved to put out the fire. Apparently, White House staffers who had read Guinier's writings saw nothing controversial in them and originally believed Bolick's efforts could be successfully portrayed as marginal partisan sniping. Now they believed otherwise. Staffers began quietly shepherding Guinier to select Senate offices and editorial boards, hoping to contain doubts about her nomination until confirmation hearings began, where they hoped a combination of her articulate, bright personality and the Judiciary Committee's wariness about reviving memories of Anita Hill would save the day.

But the smoke the Washington media corps was sniffing was much more invigorating: the prospect of yet another Clinton nominee to the Department of Justice—a female with a weird, two-syllable first name, no less—going up in flames. What had been a back-of- the-book story about obscure academic writings suddenly became a front-page feature about the incomprehensible failure of the White House staff and the President to read and fully understand the now-notorious writings of that well-known radical Lani Guinier, friend of the President's wife.

With her nomination and reputation spinning out of control, Guinier bolted from her White House wardens at the eleventh hour and went on ABC's *Nightline* to defend herself. The appearance was hastily arranged, and viewers were surprised to see, after the show's opening trumpets fell silent, Guinier seated cozily next to Ted Koppel inside his Washington studio instead of being trapped in a nearby isolation booth with questions piped into her ear. Although Koppel spent a third of the program quizzing her about the inside-the-Beltway drama of her plight, Guinier in person was extremely persuasive, managing to squeeze vigorous and succinct refutations of some of the charges that Koppel recited in between the commercials. Finally, looking into her eyes, he asked why she had been so widely misunderstood. "Perhaps if I were being nominated to be a journalist, I should not be confirmed," Guinier replied sweetly. "I perhaps have not been as clear as I should have, but I was writing to an academic audience. . . . One has to appreciate the various nuances and complexities. When you write in a way that's dense and ponderous, it's often misunderstood—particularly when it's reduced to a sound bite." Guinier went on to deny that her law review articles were "academic musings" and added one final plea for understanding: "Most important, I think, is not what I wrote in various law review articles, but who I am."

Alas, she was wrong. The next morning, on brief helicopter rides to and from Maryland, President Clinton took his first and only look at the lengthy law review articles. At seven o'clock, he met with Guinier for seventy-five minutes. Nothing she said caused him to tear up his prepared statement withdrawing her nomination. At nine o'clock, Clinton went to the White House briefing room.

"The problem is that this battle will be waged based on her academic writings," the President said to reporters. Noting that Guinier had been subjected "to a vicious series of willful distortions on many issues, including the quota issue," the most powerful man in the world nevertheless felt helpless to reverse the tide. Her academic writings, the President had discovered, "lend themselves to interpretations that do not represent the views that I expressed on civil rights during my campaign." Because of these "mischaracterizations, this battle unfortunately has already polarized our country," Clinton tried to explain. "I regret very much the bitterness and divisiveness that has occurred already."

Farther down Pennsylvania Avenue, at the Institute of Justice, Bolick's triumphant staff prepared a press release celebrating Guinier's downfall, unself-consciously crowing that their leader "played the role of Paul Revere, spreading the alarm about her divisive views on democracy."

Across the street, a bewildered-looking Guinier soon appeared at her own

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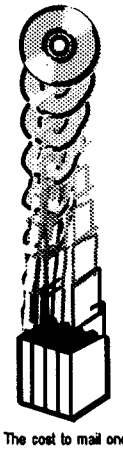

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RESEARCH FILE

DOCUMENTS IN SEARCH OF SCHOLARS

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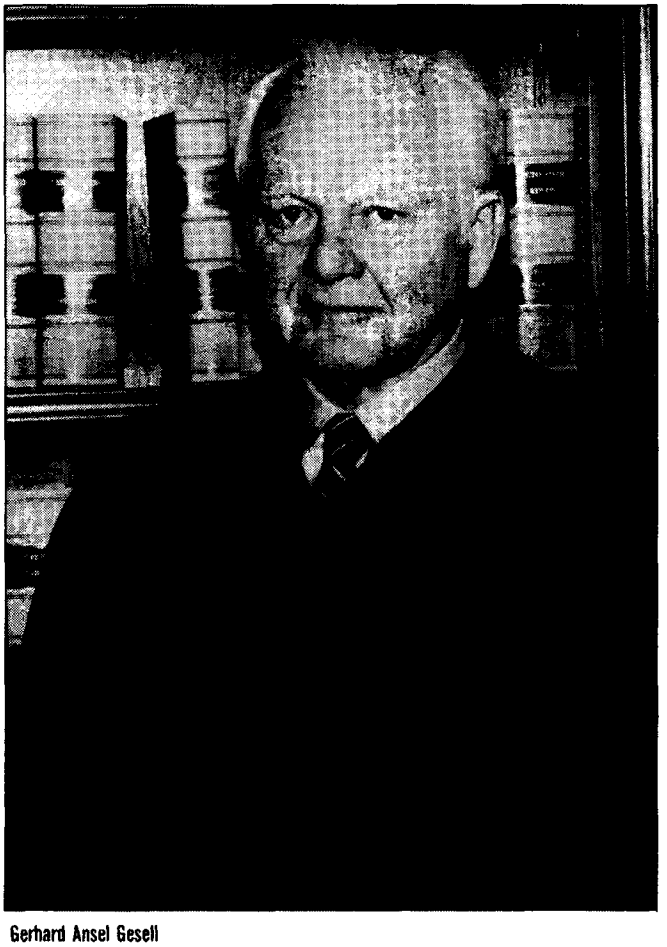
When the White House refused to allow the *Washington Post*'s attorneys to take part in an *in camera* discussion, Judge Gerhard Ansel Gesell put his foot down. "I was flabbergasted," the federal district court judge wrote later. "When I expressed surprise, [the government's attorney] claimed his position had been cleared at the highest level. I replied that as far as I was concerned, the United States of America was not Russia, and that I would dismiss the complaint unless his orders were rescinded."

It was 1971, and Judge Gesell had been randomly chosen to hear an appeal in one of the Pentagon Papers cases. The government was trying to prevent the *Washington Post* from publishing the Pentagon Papers, even though they had already begun to appear in *The New York Times*, and Gesell's house was swarming with lawyers—his courtroom was under renovation and there was nowhere else to hold meetings. Now this government attorney was demanding that he keep some of the case's details from the other side.

Gesell ordered the White House attorney upstairs to phone his boss. After a while the attorney came back downstairs and announced that the administration had conceded its position. Gesell offered to read the most sensitive passages in the military documents in order to gauge the legitimacy of the government's national security concerns. The White House reluctantly assented.

"A set of papers was left with me at my request as the lawyers left," Gesell remembered later. "In a few minutes, while I was thumbing through them, there was a sharp knock at the front door. Opening the door, I found three large men in military uniform with white bands across their chests and side arms who said they had come for the papers. I said no. They insisted, saying I had no security. I was angry and told them to buzz off or stand around outside, and that I did have security because the papers would be hidden under a sofa pillow. They left. Clearly somebody was playing hardball.

When the U.S. Attorney's Office learned that Gesell had been randomly selected to hear the Pentagon Papers case, an official moaned in horror, "Oh my God!"



Gerhard Ansel Gesell

"To this day I don't know what got the White House so excited," Gesell concluded. "The papers held few secrets. Nothing earthshattering. All code references, precise dates of transmission, and similar notations of intelligence value were not involved. The material was boring."

Gesell's own material is far from boring, and it has just been made available to scholars in the Library of Congress (though not to the general public until 1997). Gesell donated his papers to the library just before he died last February at the age of eighty-two, and now some 35,000 pages of assorted notes, diaries and informal recollections of cases are ready for inspection. The judge's memoirs are likely to prove of vital importance to the understanding of judicial regulation of government: During his quarter century on the bench of the Wash-

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highly charged constitutional cases of his time—the Pentagon Papers, Watergate, and the trial of Oliver North among them.

Gesell's account of his involvement in the Pentagon Papers litigation and the Watergate proceedings fills in many details that his laconic legal decisions did not discuss. Gesell describes, for example, how government officials fiddled with judicial protocol and padded their briefs with dubious national security claims. "It was apparent," Gesell remarked, "that the Administration felt no restraint."

Gesell began professional life as a Wall Street investigator for the Securities and Exchange Commission after graduating Yale Law School in 1935. Political cartoonists had already begun sketching him as David toppling crooked Goliaths when Gesell pulled a bait and switch and went corporate by joining the powerhouse Washington, D.C. firm Covington & Burling. Gesell specialized in antitrust defense, and kept a finger in the public sector pie by serving on the government commissions that investigated the Japanese attack on Pearl Harbor and racial discrimination in the military. In 1967, when Gesell was fifty-seven, Lyndon Johnson appointed him to the federal district court.

The former investigator's sternness as a judge was legendary. With his white hair and voice-of-God intonation he was a scary presence in the courtroom, and he tended to lecture his defendants from the bench. His reputation for severity was such that (according to William H. Jeffress Jr., a former Gesell law clerk) when Joe Hannon, then chief of the Civil Division of the U.S. Attorney's Office, found out Gesell had been chosen to hear the Pentagon Papers case, he responded, "Oh my God!"

Gesell's papers also reveal that during the Watergate years he came close to causing Nixon's impeachment. During the trial of John Ehrlichman for his part in the break-in at the office of Daniel Ellsberg's psychiatrist, the president and his aides played games with Ehrlichman's files, locking them in a vault and not letting the defendant—or Gesell, the presiding judge—review them. "On June 10, 1974, I finished an opinion directing the President to show cause why he should not be held in contempt or the indictment [be] dismissed," Gesell wrote. "I realized that if [my opinion] issued, President Nixon would in all probability be impeached."

The exasperated jurist instructed the president's special counsel, James St. Clair, to ask Nixon how he would like it if he were the head of a firm accused of antitrust violations and were not allowed to review his own files before the trial. The pitch worked, Gesell recalls with satisfaction, but wonders: "The President gave in, probably never realizing how close he came to disaster—or did he know?"

With the opening of the Gesell papers, he—and we—will.

—*Louis Jacobson*

Gesell set the stage for Roe v. Wade, strengthened the Special Prosecutor's office, and sent five Watergate conspirators to jail.

Gesell was the only one of twenty-nine federal judges who, hearing yet another appeal in the Pentagon Papers case, refused to order a newspaper to delay publication of certain military documents–even for a few hours–while he deliberated. In 1969 Gesell set the stage for *Roe* v. *Wade* by overturning a law banning abortion in the District of Columbia.

Gesell declared illegal Richard Nixon's so-called Saturday Night Massacre—in which the embattled president fired Watergate Special Prosecutor Archibald Cox—and thereby made future special prosecutors less vulnerable to executive branch meddling. He sentenced five Watergate conspirators, including Charles Colson and John Ehrlichman, to prison. Two decades later, however, Gesell declined to send Oliver North to jail for his participation in the Iran-Contra caper. "I do not think you were a leader at all," Gesell explained, "but really a low-ranking subordinate working to carry out the initiatives of a few cynical superiors." (Unfortunately, Gesell's diary of the North trial is not yet available for study.)

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Vanity's Fare

Continued from page 25

Mellen's first graduating class was composed of a group of ministers, members of the College of Pastoral Supervision of Chapel Hill, North Carolina. Their leader, Perry Miller, had met with Richardson in a Wendy's restaurant in Chapel Hill and over the course of eight hours worked out a deal: For three or four hundred dollars, Miller and colleagues would fly out to Turks and Caicos to receive Ph.D.'s in pastoral supervision from Mellen University. When they arrived on the island in April of this year, the ministers were interviewed for half an hour each by Frederic Will (whose field is comparative literature), after which Will deemed all eleven candidates qualified for Ph.D.'s. By having Mellen University students physically pick up their diplomas on Turks and Caicos (rather than delivering diplomas to them through the United States Postal System), Richardson neatly avoids the possibility of a mail fraud investigation—the only tool the FBI has to prosecute diploma mills.

Mellen University's Director of Advanced Standing was hired because he tried to enroll.

Richardson is currently in the process of setting up a second university in Dodge City, Kansas. In March, in the *Dodge City Daily Globe,* he advertised a meeting to discuss the project. He promised free classes to the thirty-six people who attended and guaranteed them diplomas once his new school was accredited. He's now looking into buying the campus of the recently closed St. Mary's of the Plains College (on the outskirts of Dodge City), and eight-hour seminars are already being held Saturdays in various locations, under the aegis of the as-yet-unaccredited University of Western Kansas.

Earlier this year, though, yet another bad thing happened. Someone connected with the University of Toronto saw articles about Richardson in the *Daily Globe* and showed them to his dean. Richardson's bosses were not pleased to discover that he was no longer in the Duke University Medical Center receiving treatment for a serious heart ailment, as he had claimed in order to excuse himself from teaching, but was in fact shuttling between Kansas, Europe, and the Caribbean. On July 16, the university sent Richardson notice of his dismissal, for, according to Richardson, "breach of fiduciary responsibility." St. Michael's College, where Richardson holds tenure and which is affiliated with the University of Toronto, is considering similar action.

All this notwithstanding, diploma-hungry suckers in Dodge City continue to attend Richardson's seminars on Saturdays. Mellen Press continues to make books out of everything it can lay its electrostatic plates on—valuable or worthless, alliterative or otherwise. And, too weighted down by catalogues, direct mail, and professor-backed order forms to get out of their chairs and crack open the books' faux-leather bindings, university librarians continue to buy them. LF

Warren St. John is a contributor to the New York Observer. *He lives in New York City.*

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LANI'S LESSON FOR ACADEMIA

continued from page 59

press conference with her husband and five-year-old son in tow. "I'm certainly flattered that the President sat down and read a law review article that I have written," she told the packed room. "Most law professors don't have that privilege. I can assure you that it's even difficult to get my own mother to read my law review articles. And to say that the President of the United States has read one of them is a real honor."

"Strange hair, strange name, strange ideas—she's history," began one article about the fate of Guinier in *U.S. News and World Report*. And ordinarily, once a nominee has been dropped like a hot potato by the White House, such a person *is* history—or most often merely a footnote to it. But because of the way Guinier's nomination failed—weeks of steady undermining and then the whoosh of collapse—many journalists were only halfway through Guinier's law review articles when "history" happened. As a result, a spate of media reports and commentary that actually explored the substance of her ideas was still falling, like overripe fruit from trees, long after Guinier was supposed to have disappeared.

The New York Times and National Public Radio both had reporters visit southern states where alternatives to winner-take-all voting rules of the kind Guinier had written about had been used for years to remedy electoral racism. Lively debates over whether Guinier was right or wrong bobbed along on editorial pages. On *MacNeil/Lehrer*, Republican Linda Chavez sharply corrected Democrat Mark Shields when he called Guinier's ideas "radical," insisting they were "right in the mainstream" of informed argument about enforcing the Voting Rights Act. As late as July 30, *USA Today* ran a column entitled "She Was a Misquoted Queen, Not a Quota Queen."

New York Times legal columnist David Margolick pondered his profession's intractable struggles to translate for the public dense and turgid legal scholarship, although he failed to explain why the same reporters can convey the essence of arms control treaties under deadline pressures. In his own postmortem in the *Legal Times*, Stuart Taylor Jr. also lamented "the inherent difficulty for journalists and others—even those straining to be fair—of summarizing or selectively quoting such a nominee's writings with anything close to complete fairness, either to the nominee or the perspective of her opponents."

Guinier is less forgiving of the media than they are of themselves. Speaking at this year's convention of the National Association of Black Journalists, she said, "Journalists, with too few exceptions, were complicitous, if only by their own silence, in my stereotyping and silencing." *The New York Times* reported that she received the most prolonged applause at the luncheon when she suggested that her views were distorted partly because so few of the country's powerful editors and columnists are black. "There is simply not enough diversity in the decision-making and gatekeeping levels in either the print or broadcast media," she stated.

In an interview with David Garrow for *New York Newsday*, Guinier explained why she planned to continue to fight her critics: "I would like to ensure that other scholars are not put in jeopardy or disqualified from public service in the future because they have dared to commit to paper thoughts or provocative ideas about issues of contemporary relevance."

I wish her luck.

Kathleen Quinn's last piece for Lingua Franca *was "Courting the Great Grey Lady: Tips from a former* Times *Op-Ed editor [April/May 1992].*

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Letters

Continued from page 5

Sarah L. Karl, *Montclair, New Jersey*

How—and why—have you gone so quickly from plain irreverence to the company of Arch, Snide, and Coy? In one issue (July/August), you heap empty calories (evidently meant to burn) on A.S. Byatt, William Bowen, Michael Lerner, and philosophy's (alleged) anti-realism. Nothing substantive to pose against them—just not so good, not so clean, not so much fun. Perhaps what you could have said would raise eyebrows—but that's not at all the same as raising an eyebrow yourself and thinking that should be worth the price of admission.

Berel Lang, *Professor of Philosophy, State University of New York at Albany*

CONTRACT KILLINGS

As one of probably hundreds of junior faculty who represent the veterans of the frequently retrograde politics of academia, I read with perverse pleasure and more than one audible outburst the article by Niccolito Machiavelli ["The Professor," July/August]. To my mixed horror and delight, I recognized a Machiavelli in many of my former colleagues.

However, I was puzzled by the lack of any mention of the notorious "probationary contracts"—I know of no more abused and misused instrument in our profession. At many institutions, probationary contracts can be terminated without any statement of cause, never mind a demonstration thereof. Even in institutions where detailed paperwork is required, frequent abuses occur. This seems to be particularly true in the environment that Niccolito describes so well, where the junior faculty outperform and may even outqualify the older faculty. I know of several cases at teaching colleges where a junior member was denied renewal or tenure by tenured faculty who hadn't published at all. In fact, in the departments of some professors who were recently denied contract renewals—and this includes my own—a surprisingly high proportion of the tenured faculty did not even have Ph.D.'s.

Christine D. Tomei, *Assistant Professor of Russian Studies, American University*

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Fellowship

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ACLS sponsors a major humanities fellowship program, co-sponsors 11 committees on areas studies with the SSRC, runs an American Studies program to bring foreign scholars to the U.S., and provides significant administrative support to the member societies. ACLS also has a publications program and sponsors projects in documentary editing and reference works. In addition, ACLS has legal and fiduciary responsibility for the Committee on Scholarly Communications with China and the Council for International Exchange of Scholars (the Senior Fulbright Program).

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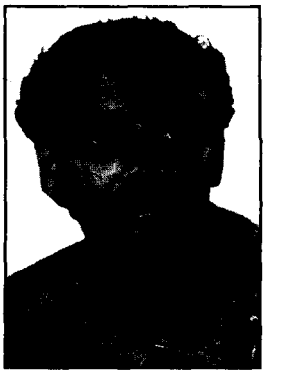

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